By Mr. O'HAIR: A bill (H. R. 18907) for the relief of Edward Byrne; to the Committee on Military Affairs.

Also, a bill (H. R. 18908) for the relief of S. A. Russel; to the Committee on Military Affairs.

By Mr. POST: A bill (H. R. 18909) granting a pension to Sallie A. Martin; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 18910) granting an increase of pension to Isaac Stapp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18911) granting an increase of pension to Ann Stockton; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 18912) to remove the charge of desertion and grant an honorable discharge to Oliver Stein; to the Committee on Naval Affairs.

By Mr. SMITH of New York: A bill (H. R. 18913) granting a pension to Joseph Schmitt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18914) granting an increase of pension to James Ford; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Arkansas: A bill (H. R. 18915) for the relief of Jennie Belle Cox, Robert Isaac Clegg, and Thomas Neel Clegg, children and only heirs of Thomas Watts Clegg, deceased; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of William J. Young, of Brooklyn, N. Y., relative to certain information concerning the origin, production, manufacture, disposition, and use of medicine, drugs, and chemicals; to the Committee on Interstate and Foreign Commerce.

By Mr. BARTHOLDT: Memorial of Central Trades and Labor Union of St. Louis, Mo., asking that the United States Government enforce strict neutrality against all nations of Europe at war and place an embargo on all foodstuffs; to the Committee on Ways and Means.

Also, petition of St. Louis Cooperage Co. and St. Louis Trades and Labor Union, protesting against a tax on freight rates; to the Committee on Ways and Means.

Also, petition of citizens of St. Louis, Mo., protesting against national prohibition; to the Committee on Rules.

Also, petition of Liquor Dealers' Benevolent Association of Missouri, protesting against an additional tax on liquor; to the Committee on Ways and Means.

By Mr. CARY: Petition of eighth ward branch, Socialist Party, of Milwaukee, Wis., protesting against the exportation of all foodstuffs to warring nations; to the Committee on the Judiciary.

Also, petition of the National Association of Vicksburg Veterans, relative to appropriation for reunion of veterans at Vicksburg, Miss.; to the Committee on Appropriations.

Also, petition of Woman's Home Missionary Society of the Methodist Episcopal Church, protesting against railroad tracks opposite Sibley Hospital in Washington, D. C.; to the Committee on the District of Columbia.

Also, petition of Allied Printing Trades Council of Milwaukee, Wis., protesting against passage of House bill 15902, to amend law relating to the public printing; to the Committee on Printing.

By Mr. DONOHOE: Memorial of Philadelphia Board of Trade, protesting against the passage of House bill 18666, providing for Government ownership and operation of ships engaged in foreign trade; to the Committee on the Merchant Marine and Fisheries.

By Mr. ESCH: Petition of Wisconsin State Bottlers' Association, protesting against extra tax on beer; to the Committee on Ways and Means.

Also, petition of citizens of Genoa, Wis., favoring river and harbor bill; to the Committee on Rivers and Harbors.

By Mr. GILMORE: Petition of the National Association of Vicksburg Veterans, favoring an appropriation for reunion of veterans at Vicksburg, Miss.; to the Committee on Appropriations.

By Mr. GOOD: Petitions of business men of Stanwood, Clarence, Lowden, Durant, and Mount Vernon, Iowa, favoring passage of House bill 13305, Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM of Pennsylvania: Petition of Pennsylvania State Camp, Patriotic Order Sons of America, favoring passage of House bill 6060, for literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, memorial of National Association of Vicksburg Veterans, for appropriation by Congress for reunion of veterans at Vicksburg, Miss.; to the Committee on Appropriations.

By Mr. KENNEDY of Connecticut: Memorial of sundry citizens of Waterbury, Conn., urging the United States to use its best efforts to end the war in Europe; to the Committee on Foreign Affairs.

By Mr. LEE of Pennsylvania: Petition of National Association of Vicksburg Veterans, favoring celebration of semicentennial anniversary of end of Civil War; to the Committee on Military Affairs.

By Mr. LONERGAN: Petition of Bureau of the National Association of Vicksburg Veterans, in favor of an appropriation for the proposed national celebration and peace jubilee at Vicksburg; to the Committee on Appropriations.

Also, petition of the Baker Extract Co., Springfield, Mass., protesting against additional tax upon alcohol; to the Committee on Ways and Means.

Also, petition of the International Typographical Union, Indianapolis, Ind., favoring amendment to H. R. 15902, relating to public printing; to the Committee on Printing.

By Mr. MADDEN: Petition of volunteer officers of the Union Army in the Civil War and the National Association of Vicksburg Veterans, favoring appropriation by Congress for reunion of veterans at Vicksburg, Miss.; to the Committee on Appropriations.

Also, petition of citizens of Chicago, Ill., protesting against national prohibition; to the Committee on Rules.

By J. I. NOLAN: Protest of the Los Angeles Stock Exchange against proposed special revenue tax on stockbrokers; to the Committee on Ways and Means.

Also, protest of the D. De Barnardi Co., San Francisco, Cal., against a special revenue tax being levied on California dry wines; to the Committee on Ways and Means.

By Mr. O'LEARY: Petition of Joseph Wittmann, Woodhaven, N. Y., protesting against war tax on soft drinks; to the Committee on Ways and Means.

By Mr. PAIGE of Massachusetts: Evidence in support of H. R. 18808, special pension bill in behalf of Joseph W. Abbott; to the Committee on Invalid Pensions.

By Mr. RAKER: Petition of Marie B. Weldon, requesting that supply depots be established for the necessaries of life, and sundry citizens of California, protesting against exporting food from the United States; to the Committee on the Judiciary.

By Mr. REED: Protest of the Baker Extract Co., of Springfield, Mass., against the placing of an additional tax upon alcohol; to the Committee on Ways and Means.

By Mr. VOLSTEAD: Petitions of sundry citizens of Minnesota, protesting against national prohibition; to the Committee on Rules.

Also, petition of District 19, Woman's Christian Temperance Union, Nelson, Minn., favoring national prohibition; to the Committee on Rules.

Also, petition of 30 citizens of the seventh Minnesota district, favoring national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Dawson, Minn., favoring national prohibition; to the Committee on Rules.

SENATE.

TUESDAY, *September 22, 1914.*

(Legislative day of Friday, September 18, 1914.)

The Senate reassembled at 12 o'clock meridian on the expiration of the recess.

COAL LANDS IN ALASKA.

Mr. PITTMAN. Mr. President, I should like to ask the Senator from North Carolina [Mr. SIMMONS] if the report is ready on the river and harbor bill.

Mr. SIMMONS. Yes; the committee is ready to report.

Mr. PITTMAN. I desire to make a motion, but of course I do not wish to interfere with any action upon that bill.

Mr. SIMMONS. Is it in relation to the river and harbor bill?

Mr. PITTMAN. No; it is not.

Mr. SIMMONS. I will not insist upon the regular order right at this minute.

Mr. PITTMAN. For the purpose of bringing the matter before the Senate——

Mr. TOWNSEND. Will the Senator yield for one moment? I do not quite understand the situation. I supposed this morning the river and harbor bill was coming up. Do I understand that it is not?

Mr. SIMMONS. If the Senator from Nevada will pardon me, I stated that I would yield for a few minutes, and I would not insist on the regular order for a short time. I am not quite ready at this minute to report, but I will be ready in a very short time.

Mr. TOWNSEND. I do not understand that the river and harbor bill is the unfinished business, but I have no objection to its being taken up.

Mr. SIMMONS. The river and harbor bill is the unfinished business.

Mr. SMOOT. Oh, no.

Mr. TOWNSEND. I do not think it can be.

The VICE PRESIDENT. There is no unfinished business of the Senate of the United States.

Mr. SIMMONS. How was the river and harbor bill displaced?

The VICE PRESIDENT. It was sent back to the committee.

Mr. SIMMONS. The Chair is correct about that. That would displace it. In that situation I move that the Senate proceed to the consideration of the river and harbor bill.

Mr. PITTMAN. I object. I have the floor.

The VICE PRESIDENT. The Senator from Nevada has the floor.

Mr. PITTMAN. I do not yield for any such purpose.

Mr. SIMMONS. I beg the Senator's pardon.

Mr. PITTMAN. I desire to call the Senator's attention to my motion.

The VICE PRESIDENT. Let the Senate understand the status of the matter. There is no river and harbor bill on the calendar. No one can move to take it up. It is not here. The Senator from Nevada has the floor and is recognized.

Mr. PITTMAN. I move that the Senate proceed to the consideration of the bill (H. R. 14233) to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes.

The VICE PRESIDENT. The question is on the motion of the Senator from Nevada.

Mr. SMOOT. I wish to say to the Senator from Nevada that I had no idea this bill would come up this morning and I have not the papers with me that I wish to use in its consideration. I want to offer an amendment or two to the bill. I hope the Senator will not press his motion at this time, but he can do so, of course, and the balance of the day no doubt will be used in the discussion of the bill. I thought it would be better to allow this bill to go over until we finish the river and harbor bill and then take it up after the disposal of that measure and keep it before the Senate as the unfinished business until it is disposed of.

Mr. PITTMAN. I will say that it is my intention to temporarily lay the bill aside at any time the river and harbor bill is brought in and until the river and harbor bill has been completed. I have no idea of asking that the river and harbor bill shall be in any way interfered with when it is reported.

Mr. SHAFROTH. I will further say that there will be some speeches upon the Alaska bill. I shall speak an hour, at least. For that reason the Senator from Utah will have time to prepare his amendments.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from North Carolina?

Mr. PITTMAN. I do.

Mr. SIMMONS. I should like to suggest to the Senator from Nevada that I think it will take but a very short time this morning to dispose of the river and harbor bill. I think there is a general feeling among Senators that we ought to get rid of that measure before we take up any other bill. I will say to the Senator from Nevada as soon as the river and harbor bill is disposed of I will join with him in asking that the Alaska coal bill be made the unfinished business.

Mr. PITTMAN. I will say to the Senator I am willing to lay it aside whenever he is ready to report the river and harbor bill.

Mr. SIMMONS. I will make the report right now if the Senator will permit me.

Mr. PITTMAN. And is the Senator ready to go on with the debate?

Mr. SIMMONS. I am ready to go on with it. I presume it will take but a little while.

Mr. PITTMAN. If my motion is put and carried, I will agree to lay the bill aside until the river and harbor bill is disposed of.

Mr. SIMMONS. I have no objection to that with the understanding that the Senator will agree to lay it aside.

Mr. PITTMAN. That is the understanding.

The VICE PRESIDENT. Again, we are having Senators on the floor assuming the prerogative of the Senate. It will be within the power of the Senate to lay the bill aside if it chooses. It will also be within the power of the Senate to keep the measure before the Senate if it chooses to do so. There seems to have grown up on the floor of the Senate the idea that a single Senator can displace a bill if he desires to do so. That is not the rule of the Senate.

Mr. TOWNSEND. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Michigan?

Mr. PITTMAN. I do.

Mr. TOWNSEND. I have no objection to the consideration of the bill proposed by the Senator from Nevada, but I have been asking for months for the consideration of another bill which will not take a great deal of time. As far as I am concerned, I shall object to the Alaska bill being made the unfinished business until the bill that is entitled to preference shall be given an opportunity to be heard, unless the former can be disposed of promptly. It would take only a very short time to dispose of Senate bill No. 392, and I should like to have it considered.

Therefore I would prefer that the river and harbor bill should be considered and that the motion of the Senator from Nevada should not be put now, although I realize that the Senate has the right to do as it pleases about the matter. If the Senate sees proper, that bill might be taken up when some of these other measures are out of the way, because all of us are very anxious to consider the Senator's bill; and it can be considered and made the unfinished business under those circumstances.

Mr. PITTMAN. I would be very glad to accommodate the Senator from Michigan if I thought the conditions warranted, but it does seem to me that this bill should be considered first after the river and harbor bill. I do not desire to make any speech on the bill, and I do not intend to make a speech on it to-day. The Senate understands the conditions thoroughly. There is an emergency existing in Alaska. The people there are being faced to-day with a long Arctic winter, and there is no coal open in that country. All the coal they are getting is from British Columbia to-day at an enormous price, and its exportation to Alaska is being jeopardized by the European war.

Mr. TOWNSEND. Do I understand the Senator to say he does not understand that it will take any considerable length of time to dispose of the bill?

Mr. PITTMAN. I do not think so. I do not think it will take any time except the speech of the Senator from Colorado. I do not intend to even speak in favor of it.

The VICE PRESIDENT. The question is on the motion of the Senator from Nevada if he does not withdraw his motion.

Mr. PITTMAN. I will lay the bill aside for the consideration of the river and harbor bill.

The VICE PRESIDENT. The question is on the motion of the Senator from Nevada to proceed to the consideration of House bill 14233.

The motion was agreed to.

Mr. SIMMONS. I ask the Senator from Nevada to temporarily lay the bill aside to permit me to make a report on the river and harbor bill.

Mr. PITTMAN. I am willing to temporarily lay it aside for such purpose.

The VICE PRESIDENT. The Senator from Nevada asks unanimous consent that House bill 14233 be temporarily laid aside. Is there objection?

Mr. SMOOT. We are on the legislative day of September 18 and the calendar day of September 22. We have had no adjournment. It is after the morning hour, and I do not believe that the bill before the Senate now can be made the unfinished business until after we adjourn. If we adjourn to-day then it would be the unfinished business; but if we take a recess it would not.

The VICE PRESIDENT. That is not the question before the Senate. The question is whether any Senator objects to temporarily laying aside the consideration of House bill 14233. What the status of it may be hereafter is another question.

Mr. PITTMAN. That is, to lay it aside until after the consideration of the river and harbor bill. That is the request of the Senator from North Carolina?

Mr. SIMMONS. That is the request.

Mr. SMOOT. I do not object.

The VICE PRESIDENT. Is there objection? The Chair hears none, and House bill 14233 is temporarily laid aside.

RIVER AND HARBORS APPROPRIATIONS.

Mr. SIMMONS. Mr. President, from the Committee on Commerce I report back the following bill and ask unanimous consent for its consideration.

The VICE PRESIDENT. The report will be read.

The SECRETARY. A bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Strike out all after the enacting clause and insert:

That the sum of $20,000,000 be, and the same hereby is, appropriated out of any moneys in the Treasury not otherwise appropriated, to be immediately available and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, for the

preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation, and most economical and advantageous in the execution of the work: *Provided*, That allotments from the amount hereby appropriated shall be made by the Secretary of War upon the recommendation of the Chief of Engineers: *Provided further*, That allotments for the Mississippi River from the Head of Passes to the mouth of the Ohio River shall be expended under the direction of the Secretary of War in accordance with the plans, specifications, and recommendations of the Mississippi River Commission as approved by the Chief of Engineers: *And provided further*, That at the beginning of the next session of Congress a special report shall be made to Congress by the Secretary of War showing the amount allotted under this appropriation to each work of improvement.

The VICE PRESIDENT. The Senator from North Carolina asks unanimous consent for the present consideration of the bill.

Mr. STONE. Is this from the committee?

Mr. SIMMONS. It is the report of the committee in response to the action of the Senate on yesterday.

The VICE PRESIDENT. Is there objection? The Chair hears none. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. STERLING. I offer the following amendment.

The VICE PRESIDENT. The Senator from South Dakota offers an amendment, which will be read.

The SECRETARY. Add, at the end of the bill the following additional proviso:

And provided further, That of the amount hereby appropriated, and because of present emergency, not exceeding the sum of $75,000 may be expended for such improvement or bank-revetment work of the Missouri River at or near the town of Jefferson and the city of Vermilion, S. Dak., as in the judgment of the Chief of Engineers may be necessary to protect the banks of the river and regulate the channel flow in the interest of navigation.

Mr. STERLING. Mr. President, just a word in regard to this proposed amendment. I shall not occupy the time of the Senate in the discussion of the amendment, and that largely for the reason that I spoke at length upon this particular subject last Saturday.

I appreciate the situation and the exigencies under which this report of the committee has been brought before the Senate. Were this for some new improvement such as is found for the most part in the bill reported in the first place by the committee or even if it was for the completion of some improvement that had already been begun, the ordinary river and harbor improvement, I should be the last one to ask for the adoption of this amendment to the report of the committee.

But, Mr. President, ours is a desperate situation. Within the last two years farm after farm of rich alluvial lands of value have been washed into the river, worth from $100 to $150 per acre, and others are now menaced. No appropriation has ever been made for the improvement of the Missouri River in this respect at Vermilion that I can find since the appropriation of less than $2,000 made back in 1879. I trust that the Senate will consider the great emergency and will authorize the expenditure of $75,000 at these two places in my State, where there is such great need.

Mr. BURTON. Mr. President, I hope this amendment will not be adopted. I have a great deal of sympathy with the Senator's contention althought it is strictly not a navigation improvement. But if we amend the bill by putting in this project we open up a perfect Pandora's box. There are scores of other amendments that ought to be adopted if this should pass.

Mr. SIMMONS. Mr. President, I want to say that I do not at all minimize the importance of the project referred to in the amendment of the Senator from South Dakota. There are many other matters connected with our river and harbor work that will get nothing under this bill that are of equal importance. If we should begin to amend by adding the meritorious projects for which much can be said, we do not know how far we would go. I think it is far better after the action of the Senate on yesterday that we should adhere rigidly to the proposition that $20,000,000 shall be appropriated in a lump sum and divided up by the Engineer Department of the Government with the approval of the Secretary of War as in their discretion may seem just and equitable, and in the interest of economy and the public work.

I trust, therefore, the amendment will not be adopted, not because I am opposed to it per se, but because I think it will open the door here to longer discussion; and probably we might in the end find that we had made a bill different from that contemplated by the action of the Senate on yesterday.

Mr. STERLING. Mr. President, I hardly see how the adoption of this amendment will open the door to other proposed amendments, for I think I am safe in saying that there is no situation like the one which my amendment is intended to cover. Nowhere along the course of that river from Sioux City to Fort Benton is there any such situation as exists at these two towns, where farmers are being impoverished from time to time by the ravages of the river. And nowhere along the Mississippi or along any other stream, I think, does a like situation exist.

The amendment is offered not to promote some new improvement in order that men may be employed or contractors secure a Government job; it is not for the promotion of some new enterprise; but it is for an improvement meant solely for our protection as against the ravages of the river.

Mr. SMITH of Arizona. Mr. President, I have sympathy with the amendment offered by the Senator from South Dakota [Mr. STERLING], but I wish to say that there is another case equally as bad as the one presented by him. I refer to the Colorado River south of Yuma, between Arizona and California, where there has been taken from the farmers of that district enough money to build a levee 20 or 30 miles down that river, money which certainly ought to have been taken out of the Treasury of the United States instead of out of the pockets of those farmers who are struggling for existence there. The Colorado River at that point, like the Mississippi River at the point to which the Senator from South Dakota alludes, is exactly the same, leaving its banks, overflowing the whole country, going whithersoever it pleases on its destructive course. An amendment to meet that situation ought to be adopted, and I had intended before the bill passed to see that such an amendment was at least voted on in this Chamber, but, realizing what the Senate did on yesterday, and appreciating the condition in which the committee finds itself, I know that it would be useless for me now to offer such an amendment. I wish, however, to say to the Senator from South Dakota that at the proper time, at the next session, I think we can get together and see that relief is afforded in both these cases.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from South Dakota [Mr. STERLING].

The amendment was rejected.

Mr. STONE. Mr. President, I ask the attention of the Senator in charge of the bill to the second proviso of the substitute as reported, which reads:

Provided further, That allotments for the Mississippi River from the Head of Passes to the mouth of the Ohio River shall be expended—

And so forth.

Mr. President, the plans of the Mississippi River Commission in improving what is called the lower Mississippi from Passes to the mouth of the Ohio have extended to and included the stretch from Cape Girardeau, on the Missouri side, some 50 or 60 miles above the mouth of the Ohio River. The banks or bluffs lining the river above Cape Girardeau protect the outlying country from inundation and guard the currents of the river, so as to keep them within the bank limits. Below Cape Girardeau the country falls and the level is low. If the improvement referred to does not extend up to Cape Girardeau the floods coming down from the Mississippi and the Missouri Rivers will pour in upon and across a vast section of country in both Missouri and Arkansas, greatly imperiling the work done by the commission below the mouth of the Ohio on that side of the river.

I am apprehensive that this language might so limit the commission and limit the Secretary of War in making distributions for the purpose designated in the bill from the Passes to the mouth of the Ohio as to cut out the stretch from the mouth of the Ohio to Cape Girardeau. It seems to me the bill should read "from Passes to Cape Girardeau" instead of to the mouth of the Ohio.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from North Carolina?

Mr. STONE. I yield.

Mr. SIMMONS. I assure the Senator from Missouri that it was not the purpose to leave out that part of the river from the Ohio up to Cape Girardeau. Col. Taylor, representing the Engineer Corps, drew this proviso in the committee room this morning. When it was presented the objection which the Senator now makes was made; it was suggested that it might leave out that stretch from the mouth of the Ohio River to Cape Girardeau. The Engineer officer expressed the opinion that that could not be the case; that the law extended the jurisdiction of the Mississippi River Commission to Cape Girardeau, and that this is the language in which we have generally passed these measures. After conference with the Senator from Louisiana [Mr. RANSDELL], who is a member of the committee, I do not myself see the slightest objection to changing the wording so as to let it read "from the Head of Passes to Cape Girardeau," instead of "from the Head of Passes to the mouth of the Ohio River." I do not think it is necessary after the statement made by Col. Taylor; but if the Senator from Missouri has any apprehension about that—I assure him that the committee did

not intend to cut that strip off—there can not be any possible objection to making it certain by adopting the amendment.

Mr. STONE. Mr. President——

Mr. BURTON. Mr. President, if the Senator from Missouri will yield to me, I will say that when this substitute was read this morning I called attention to the fact that under the law the jurisdiction of the Mississippi River Commission extended to Cape Girardeau, and suggested that such an amendment be made; but, as the Senator from North Carolina has already stated, the Engineer officer, Col. Taylor, stated that it was unnecessary. That was due to the fact that for years the phraseology has been from the "Passes to the mouth of the Ohio." By statute passed in 1906 that portion from the mouth of the Ohio to Cape Girardeau was placed under the jurisdiction of the commission, and the expenditures for levees made available in that additional stretch, so that the wording "to the mouth of the Ohio" includes the portion of the river extending up to Cape Girardeau, and the bill since then has carried that phraseology.

Mr. STONE. "To the mouth of the Ohio"?

Mr. BURTON. The language "to the mouth of the Ohio" includes the river to Cape Girardeau. I should be inclined to think under those circumstances it would not be best to change it.

Mr. STONE. Mr. President, I do not care to press the matter under the statements made by the acting chairman of the committee and by the Senator from Ohio. I have the same opinion just expressed by the Senator from Ohio, but I desired to have it made clear in the RECORD that there was no intention on the part of the committee in reporting this bill to change what had been the rule in that respect.

Mr. BURTON. Certainly not, because the attention of the Engineer officer was called to that very fact, and he stated that it included that portion.

Mr. STONE. Very well; I have not offered an amendment and will not do so.

Mr. JONES. Mr. President, I wish to say to the chairman of the committee that my impression yesterday was that it was the intention of the Senator from Alabama [Mr. BANKHEAD] to offer the provision with reference to the lump-sum appropriation of $20,000,000 simply as a substitute for section 1 of this bill, without interfering with the provision of the bill in regard to surveys. I see that the language of his resolution covers the entire bill; but in speaking to him this morning I find that he had the same impression that I had, and that it was not his intention to interfere with the survey provision; so that, unless the chairman of the committee would be disposed to think it best not to put on the bill the provision with regard to surveys, I feel disposed to offer the sections of the bill as reported by the committee relating to surveys as an amendment to the pending measure, except to provide that the $250,000 shall come out of the $20,000,000 appropriated, thereby avoiding any increase of the amount. I should like to ask the chairman of the committee whether he would have any objection to a proposition of that kind?

Mr. SIMMONS. Mr. President, the committee discussed very thoroughly the proposition which the Senator now advances. The committee was clearly of the opinion that the resolution passed recommitting the bill with instructions restricted the committee and directed it to report as a substitute for the whole bill an amendment carrying a lump-sum appropriation of $20,000,000, to be expended under the direction of the Secretary of War. The Senator from Alabama who offered the motion is a member of the committee, and stated that that was not his purpose, but the language, I think, is very clear to that effect.

Again, the committee thought that if we reported this as a substitute only for section 1 and left the remainder of the bill open to the action of the Senate, we would probably have a prolonged discussion over the section with reference to surveys. The Senator from Ohio expressed the opinion that we might have considerable discussion.

Col. Taylor, the Engineer officer who is advising the committee, stated that the work which would devolve upon the engineer officers of the Government during the next few months in connection with the expenditure of this $20,000,000 would be so great and the weather conditions would be such that they would not be able to make many surveys. I think once or twice he stated that probably they would not be able to make more than a dozen or so surveys during that time, and he thought that very little headway would be made by including in the bill those provisions so far as the survey work is concerned. After consideration of all the matters and questions connected with that proposition, the committee decided, I think by unanimous vote, that the survey provision be stricken out.

Mr. JONES. Mr. President, as I said a moment ago, I think the committee acted clearly in accordance with the instructions of the Senate on yesterday, or at least within the letter of those instructions. In view of the statement made by the chairman of the committee, the conditions as stated by him, and the suggestions coming from the Army officers, I do not feel disposed to offer the amendment.

I do want to say that I have very serious doubt about the passage of any river and harbor bill at the next session of Congress. While the Senator from Alabama on yesterday stated that he hoped an annual river and harbor bill would become a prominent part of the program and that we would have a bill at the next session, I think that the action of the Senate at this session will lead to a situation where we will not have any river and harbor bill at the next session of Congress. It will be a very easy matter to defeat any such bill with the session ending by limitation.

As the bill now stands no new items are provided for. As the Senate knows, I had the Willapa item inserted in both the substitutes which were presented, although that was not entirely a new item, because it was put on in the House. I had another proposition which I intended to offer, to which I merely want to refer, so that my people will know that it has not been forgotten. I had presented and had printed an amendment to provide for the construction of a dredge to be used in the Portland district, and making it available for use in connection with the improvement of the Columbia River at Vancouver, Wash. Such a dredge is urgently needed there. The necessity for it is insisted upon by the engineer officers, and it is desired that that dredge be made available for the port of Vancouver, to be used in improving the Columbia River. That proposition was recommended and urged by the engineers, and I had intended to offer that as an amendment to the bill; but, in view of the fact that all new items have been excluded, and in view of the action of the Senate on yesterday in directing the bill that the committee has reported, I feel that it would not only be useless to offer that amendment at this time, but that it would hardly be right to do so. When we do have another river and harbor bill I shall press this item as strongly as possible, and I am sure its merits will appeal to all.

Mr. McCUMBER. Mr. President, I offer the following amendment, to be inserted after the word "works" and before the word "*Provided*," which appears, I think, in the tenth line, counting from the top, before the first proviso:

Provided, That of this sum $200,000 shall be used for continuing improvement and for maintenance from Sioux City to Fort Benton, of which amount at least $150,000 may be expended for such bank revetment as in the judgment of the Chief of Engineers may be in the interest of navigation.

Mr. President, I suppose, with the understanding that has been arrived at in the committee, the purpose is to vote down any amendment, no matter how much merit there may be in it or how much demerit there may be in the bill without the amendments which are proposed. I should like, however, just to call the attention of Senators to one stretch of the upper Missouri River.

We are throwing millions upon millions of dollars into the channel of the Missouri River at Kansas City and other lower Missouri points. If you will take the time to look up the navigation in the lower Missouri, you will find that there is absolutely no commerce whatever, except in a little sand that is dug out of the river, loaded into flatboats, and then sold for building purposes. That constitutes the great bulk of the commerce on the lower stretches of the Missouri River, and for which we are appropriating a great many millions of dollars.

Mr. REED. Mr. President——

Mr. McCUMBER. I appreciate the fact that it is hoped when we get the Missouri River in good order that it will open up a channel for a considerable river commerce; but that is doubtful. As has been clearly shown by the Senator from Ohio [Mr. BURTON] in his long discussion here, it is rather questionable whether river transportation will be of material importance in the United States, notwithstanding the great hopes of controlling all kinds of rates by river transportation.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Missouri?

Mr. McCUMBER. I yield, Mr. President.

Mr. REED. I am as much a friend of the upper Missouri as the Senator from North Dakota can be. I have always favored the improvement of the upper stretches and all other parts of that river; and were it not for the particular condition now confronting us I would earnestly support the amendment offered by the Senator. I shall give to that proposition a very earnest support when the opportune time is presented on further consideration of a river and harbor bill.

I simply rose to interrupt the Senator in order that the statement might not go unchallenged that the only business on the lower Missouri River, or its chief business, is "hauling a little sand." I do not believe the Senator from North Dakota will make anything for the upper Missouri River by declaring that the lower Missouri River is a useless stream. If it is, then manifestly the upper Missouri River is in the same category; and I do not want such a statement to go uncorrected.

So far as the showing made by the Senator from Ohio is concerned, I have not seen fit to reply to it, because a reply would have been in the nature of an aid to a filibuster; but at the proper time I shall undertake to show that with all his vast learning and knowledge with reference to the streams of this country the Senator from Ohio has made such statements with reference to the lower Missouri River that if the river were a person instead of a mere stream of water it could sue him for libel and slander in every court of the United States where service could be had and recover punitive damages. That is a matter for the future, and I hope the Senator from North Dakota will not see fit to assail the lower part of the stream in order to get aid for the upper part.

Mr. McCUMBER. If the Senator had waited until I had finished the suggestion I was about to make, I think he would have found little cause for interjecting the suggestions that have been made by him.

Whatever there may be in the future for transportation on the lower Missouri I know nothing about. I simply know about what is there now. I appreciate the fact that the wonderful waterway has not been completed. I appreciate the fact that we are spending millions of dollars in a great project that is to be of wonderful benefit in the future. What I am trying to call the attention of the Senator from Missouri to is the fact that while under this bill you can continue your work, which is already under way in that section, under its provisions, as I read it, we can not use one dollar where we have absolutely got a good little river commerce and where we decidedly need a few dollars for that purpose.

I have had to struggle year after year to get $150,000 expended in revetments and in pulling snags on the upper Missouri above Sioux City. After I have succeeded, year after year, in getting on an average $150,000 appropriated for that purpose where we actually have commerce, it has generally been cut down to about $75,000, most of that being used in paying for a snag boat or an excursion boat to run up the river during the summer to see where the snags were, and by the time they got back in the fall there were very few of them pulled out and no revetment done, and practically no help given to commerce.

I heard the Senator from Iowa [Mr. KENYON] say the other day that there was practically no commerce on the upper Missouri. Why, the only commerce there is on the Missouri at all that is worth anything at the present time, without discounting the future, is on the upper Missouri. Here is a telegram I have received from Capt. Baker, and I want to read a portion of it. Capt. Baker is operating a dozen boats on the upper Missouri stretch. This is the message:

> The Missouri River is navigable from the Milk River south to its mouth at all times except when closed by ice, usually between November 15 and April 1. It is navigable above the Milk River to Fort Benton during the same period, provided the channel rocks are removed. The upper Missouri River is the safest low-water stream in existence. Last year over 700 carloads of grain, farm products, and merchandise were transferred at Washburn, N. Dak., by the boats of this company.

Washburn is a little place of about 600 inhabitants on the Missouri, and that is only one of the stations, at which over 700 carloads of merchandise were transferred from the river to the railway companies.

> And there are at present six boats and several barges operating from Washburn and Bismarck. While the stage of water is 1 foot 2 inches below low-water mark, the business will continue to increase. You are familiar with the requirements of the upper Missouri River. Kindly explain this matter.

Mr. President, we ought to have $150,000 to assist, not in the future to build up a system that may be used 10 years from to-day, but to carry on the present actual commerce upon the river, and the only real commerce, as I say, that is upon the river at the present time.

When should this be done? It has been suggested by the Senator that we will have another river and harbor bill during the next session. I am doubtful of that; but if we were to have one, it would not be the proper time to do the work on the upper Missouri stretch. That work ought to be done in the wintertime, because it must consist in the revetment of the banks at places where they are cutting in.

I think it is proper for me to say right here, so that Senators will understand it, that the Missouri River banks are such, as explained by the Senator from South Dakota a few moments ago, that the least turn of the current toward the bank begins to undercut, and great portions of the bank will break off, cave off, and go into the river. That will fill up that side, and will immediately turn the current in another direction. The current will then turn in again and cut on the other side of the river. So you can not have commerce upon the river unless the banks are so revetted that you can build warehouses upon the line and protect those warehouses from the current swinging around and destroying the banks. This can be done only by revetting.

How is revetting done? It is done in the wintertime, properly, by first placing great patches of willows upon the ice, covering those over with boulders, tying them together, cutting the ice around, and then allowing them to sink to the bottom of the river. Then, when the river rises in the spring and the ice goes out, the sand and mud from the upper portions of the river are washed in thoroughly between these, and they become a solid embankment that protects the shores, and allows those who are operating vessels to build warehouses.

This can not properly and well be done in and during the summer months. It is estimated that it will not cost more than half as much to do this work in the winter as it will in the summer.

Mr. FLETCHER. Mr. President——

Mr. McCUMBER. In the summer time the only proper method is to send boats up, find out where the shores need revetting locate the stumps and snags in the river bottom, and then in the wintertime do the revetting, as I have explained it; and, at the same time, with a little dynamite, you can blow out the snags and stumps that fill up the channel. Mr. President, this is wasted now, and under the provisions of this bill nothing whatever can be done except upon projects that are unfinished; and I am seriously afraid the engineers will say that we have no unfinished projects there. We have not started a new revetment that must be completed.

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Florida?

Mr. McCUMBER. I yield, Mr. President.

Mr. FLETCHER. I wish to call the Senator's attention to the fact that all his argument might very well have been made on yesterday, but at this hour it is entirely irrelevant.

When this matter was up for discussion on yesterday the Senator did not vote at all on the proposition to recommit this bill with instructions. The argument he is now making might well have been made at that time; but the Senate has already recommitted this bill with instructions to the committee to report, as a substitute for the whole bill, a bill carrying an appropriation of $20,000,000 for the purposes of preservation and maintenance of existing river and harbor works and for the prosecution of such projects heretofore authorized.

In accordance with those instructions, the committee met and reported this substitute for the entire bill now under consideration. It is quite out of the question now to bring in new projects in different portions of the country by amendment to the bill which has been reported in pursuance of the directions of the Senate on yesterday.

For one, I will say that I was not in favor of that recommital, nor was I in favor of the substitute as reported by the committee; but, in pursuance of the action of the committee, I am obliged to support the substitute that has been reported this morning, carrying this amount of money to be expended under the direction of the Secretary of War, with the advice of the Chief of Engineers, for the purpose named.

To open up this matter to various amendments respecting various improvements in various portions of the country, all of which, I fully grant, are meritorious and ought to be attended to, would simply amount to a reconsideration of the vote and the instructions given to the committee yesterday.

I therefore feel that I ought to urge Senators not to propose amendments of this kind. It simply means delay. We are obliged, under the instructions heretofore given, in pursuance of the action of the Senate taken yesterday, to vote down every amendment to this substitute as submitted to the Senate.

Mr. VARDAMAN and Mr. REED addressed the Chair.

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Mississippi?

Mr. McCUMBER. I will yield to the Senator in one moment. I am somewhat astonished that the Senator should criticize me because I did not make this argument yesterday, when the bill that we had before the Senate yesterday appropriated $200,000 for the very purpose that I am now talking about. I would not suppose that the Senator from Florida, who was waiting and attempting to keep a quorum for the purpose of getting a vote upon the bill, would have been satisfied if I had

spoken yesterday upon the matter and tried to keep in something that was already in the bill. That was my excuse for not speaking at all on the subject before.

Now, however, under your new system, after the bill was sent back, you have taken care of certain projects. You have not taken care of all of the places that ought to be cared for in proportion to their importance. If the report of the committee had done that—if, in cutting down the total appropriation from $43,000,000 to $20,000,000, it had been provided that half of the amount which was appropriated might be used for continuing revetment work, I would have been perfectly satisfied to have seen a reduction of that amount; but under the provisions of your substitute you will only take care of those projects where work has already been commenced and will need completion.

I yield to the Senator from Mississippi.

Mr. VARDAMAN. I was about to observe, Mr. President, that the action of the Senate on yesterday does not in any way preclude an amendment to this bill, and I agree with the Senator from North Dakota that if there are projects of merit and the interests of the American people demand immediate attention to them, it is the duty of the Senate and of Congress to make provision for them. I am entirely in accord with the idea expressed by the Senator from North Dakota. I believe that governments are established for the protection of the rights of men rather than the man being the servant of the government. And the highest end to be attained by all legislative enactments is the preservation of perfect justice, the protection of the citizen in the enjoyment of life, liberty, the pursuit of happiness, and the products of his own toil.

Mr. McCUMBER. I yield to the Senator from Missouri.

Mr. REED. I wish to ask the Senator if his amendment simply covers that portion of the river from Sioux City to Fort Benton, or whether it covers the portion from Kansas City to Sioux City as well?

Mr. McCUMBER. It was from Sioux City to Fort Benton, for this reason: I assume that under the provisions of the bill just reported the work will continue upon the Kansas City project, and that under it as it reads—there being no uncompleted structure upon the upper Missouri—we could not call for an appropriation under the bill, or for work to be done in the revetting which has not been commenced. Therefore I simply provided for the upper stretch of the Missouri.

Mr. REED. I understand the Senator's point is that from Sioux City to Fort Benton there could be no money expended under this bill, because that project has not been an adopted project.

Mr. McCUMBER. I will not say it has not been a certain project, but there is no incomplete work.

Mr. REED. The language of the bill is this:

> For the preservation and maintenance of existing river and harbor works and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation, and most economical and advantageous in the execution of the work.

Clearly that language would give the Board of Engineers the right to spend money on any project which had been heretofore authorized. I think the Senator will agree with me on that.

I call the Senator's attention to the fact that the improvement of the river from Sioux City north is a project which has been heretofore authorized. I call the Senator's attention most respectfully to part 1, pages 931 and 932, of the 1913 report of the Chief of Engineers of the Army under existing contracts. I find this:

> Mouth to Kansas City: Permanent 6-foot channel, etc.
> Kansas City to Sioux City: No project has been adopted. Work is carried on under appropriations made from time to time for improvement and maintenance.
> Sioux City to Fort Benton: The project for this portion of the river, adopted July 25, 1912, and published as House Document No. 91, Sixty-second Congress, first session, provides for the expenditure of from $75,000 to $150,000 yearly for five years in removal of snags and rocks and in bank protection at points within easy boat reach of landings, towns, and railroad crossings. For details and other reports on examinations, see (c).

Now, I call the attention of the Senator to the river and harbor act approved July 25, 1912, and to this clause, which is found on page 21:

> Improving Missouri River: For improvement and maintenance from Kansas City to Sioux City, $75,000.
> For improvement and maintenance from Sioux City to Fort Benton in accordance with the report submitted in House Document No. 91, Sixty-first Congress, first session, $150,000.

The language "in accordance with the report submitted in House Document No. 91" is the usual formula for the approval of a project and is in the set phrase always employed. So there is a project for the improvement of the Missouri River from Sioux City to Fort Benton already approved, and all that is necessary is an appropriation from time to time to carry on the project. Under the language of the bill which we are now considering that can be done, because the bill provides:

> For the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation.

So I think the Senator is in error in thinking that the upper stretch of the Missouri River can not be taken care of under this appropriation.

Mr. McCUMBER. I think, Mr. President, that it will not be taken care of under the provisions of this bill. Now, what is the first thing that is to be taken care of? "For the preservation and maintenance of existing river and harbor works." Only $20,000,000 has been appropriated for this purpose, and I think the Senator will find that every dollar of the $20,000,000 will be exhausted upon those works and for the completion of the unfinished work and there will not be a dollar of it in all probability for the other projects where works have not already been commenced. While there is a project approved on the upper Missouri, having the experience that I have had in 15 years in attempting to get the little appropriations and to get the recommendations of the Engineering Department for the only stretch of the river where there is real commerce, I certainly have not much faith in my ability to secure a proper proportion of the expenditure of this money in that region.

The VICE PRESIDENT. The question is on the amendment of the Senator from North Dakota [Mr. McCUMBER].

The amendment was rejected.

Mr. VARDAMAN. Mr. President, I wish to propose an amendment to the bill, to add as a new section what I ask to have read.

The VICE PRESIDENT. It will be read.

The SECRETARY. Add a new section to the bill, as follows:

> SEC. —. That the President of the United States is hereby authorized to appoint a commission of three persons, two of whom shall be from civil life, and the third an engineer of the United States Army, one of whom shall be designated as chairman, to investigate the question of damage to lands on the Mississippi River below Cape Girardeau, Mo., resulting from the construction of levees and the improvement of said river in the interest of navigation since 1890. Said commission shall examine and report upon all such damages caused by floods resulting from levees and shall report the facts to Congress with suggestions of a basis of equitable adjustment of the liability, if any, for such damages, and what part the National Government, the State and local authorities shall respectively contribute in the settlement of such liability. Said commissioners shall have power to subpœna witnesses and to administer oaths: *Provided*, That no fee shall be paid to any witness except those subpœnaed on the part of the Government. The commissioners appointed from civil life shall receive a salary of $5,000 a year each, payable monthly, on the warrant of their chairman, and the commission shall be entitled to necessary clerical and expert assistance, stationery, etc., together with traveling expenses. The term of office of this commission shall expire when its final report is made to Congress, which shall not be later than July 1, 1916. In order to carry out the purposes of this section the sum of $60,000 is hereby appropriated. All expenditures herein authorized shall be paid out of this appropriation upon the warrant of the chairman.

Mr. VARDAMAN. Mr. President, this is a measure which has been before the Congress for a number of years. I deem it unnecessary for me to go into any extended discussion as to the merits of the proposition. Suffice it to say that the leveeing of the Mississippi River has caused the overflow of the land lying on the east bank at certain sections, which has practically destroyed the value of those lands. There is no question of that fact.

This matter has had the attention of the Mississippi River Commission, and I want to read a short extract from the report of the commission on this question. In its report of 1910 the commission says, on page 253:

> The situation (of these east-bank citizens) is pathetic and distressing in the highest degree. That these people should be condemned to perpetual inundation without possibility of relief or redress for the sake of an improvement from which their fellow citizens are enjoying great benefits is intolerable to any man's sense of justice. The lives of the landowners are passing away and hope deferred is making their hearts sick.

There is quite a large area of this land in the southern part of the State of Mississippi. The hills come within from 1 mile to 10 miles of the river. It was thought more economical by the Government to condemn those lands to the public use and permit the water to overflow them than it was to build a levee for their protection. The result has been that every spring those lands are overflowed, and plantations that were once the seat of refinement, culture, and affluence are to-day abandoned waste. It is not fair, I submit, that this property should be taken and destroyed, as the Mississippi River Commission has stated, that the balance of the adjoining territory might prosper.

The purpose of this amendment is to appoint a commission to investigate this matter and ascertain the extent of the damage and the number of acres destroyed, to the end that the Government may be induced to compensate the owners thereof for the loss sustained by them.

I want to say in this connection that there are lands in the States of Kentucky, Tennessee, Arkansas, and Louisiana in the same condition that I described a moment ago situated in the State of Mississippi. I hope the Senate will see the wisdom and the justice of the adoption of this amendment and the appointment of this commission. It only involves the outlay of something like $60,000; and as this land has been taken and condemned for the public use, the United States and the States, if they are jointly liable, ought to pay for it. It is not fair, it is not just, for the land of a private individual to be destroyed, especially when the whole of the country profits thereby, without some compensation to the owner.

Mr. BURTON. Mr. President, I recognize a certain hardship and a serious one for those people arising from the construction of levees on one side of the river, which inundate the lowlands on the other side. These lowlands are so narrow that the construction of levees would be unprofitable, because there is but a short distance from the hills to the river. But we are not without reports about this. We have the reports; we have decisions of the court; we have recommendations galore, and I do not think there is any pressing need of any such commission as this to cost $60,000.

But, more than that, under the motion passed yesterday, this bill was confined to a very limited compass—the appropriation of $20,000,000 for the maintenance and continuance of public works in rivers and harbors, and we ought to leave it in that form. The moment you adopt one amendment, no matter how deserving, it creates a precedent for the adoption of others.

I think I may say to the Senator from Mississippi, if this came up in a river and harbor bill of the ordinary type, I would have it written in some form, perhaps not in the phraseology of the amendment proposed, but I do not think it ought to go on this bill.

Mr. VARDAMAN. The Senator will understand that this in no way commits the Government to payment for this land.

Mr. BURTON. Only impliedly. I think there are other places in the United States where there ought to be investigations as well, if they are made here. The main point is that this bill is intended to be a very brief one, with one central purpose, and any incidental feature like this should be omitted from it.

Mr. VARDAMAN. I hope the Senator will not sacrifice justice to brevity.

Mr. BURTON. We are compelled always by postponement to lay ourselves open to the sacrifice of justice. The Senator from Mississippi has a multitude of documents in the line of that, from which he has read, which give views on this subject.

Mr. SIMMONS. Mr. President, I recognize the force of the appeal the Senator from Mississippi makes. I think there has been a great hardship down there, and probably the people who have suffered the loss which the Senator has mentioned ought to be reimbursed by somebody. I was in favor of the proposition as it went in the original bill, but I feel that that proposition can wait just as a great many other meritorious items connected with the bill that have been dropped can wait. It will be only a short time before we pass another bill. Meritorious projects of all kinds that have been already proposed but not adopted have been stricken out of this bill. There were, I believe, in the bill about 89 new projects. Many of them were of very great urgency. I recall now one in the State of New York which I felt was of a great urgency.

Mr. SHIELDS. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Tennessee?

Mr. SIMMONS. I do.

Mr. SHIELDS. Mr. President, I wish to direct the attention of the Senator from North Carolina to the fact that this is no project for public improvement; it does not come within the class of which he is speaking.

Mr. SIMMONS. I understand that perfectly, Mr. President.

Mr. SHIELDS. It relates to the cases of thousands and tens of thousands of people who have been rendered homeless, who have had all the property in the world which they owned destroyed.

Mr. SIMMONS. I understand all of that.

Mr. SHIELDS. It is for the purpose of making an investigation to ascertain the facts. Not only has their property been destroyed, but it has been destroyed as the result of levees built, of public improvements made, by the United States. It is a case that appeals as strongly to justice as any case which could possibly be imagined. So I ask that it be not classed along with projects for public improvement. It is a case of doing common justice to people who have been impoverished as the result of the effect of levees built upon the river by the United States. There could not be a stronger case. No appropriation of money is now proposed. It is simply asking a commission to examine into the facts and make a report at some future day of the condition of those people, of the equities they have in regard to the manner in which the injuries have been inflicted upon them, and whether or not they have a case which this Congress should recognize and indemnify them for the losses suffered.

Mr. SIMMONS. Mr. President, there are other hardships in connection with discontinuing the further adoption of projects or the further adoption of schemes or the further adoption of things that ought probably to have been looked after at the present time; but we have proceeded upon the idea that they could wait; that there was no emergency that made it necessary for us to spend additional money for these new objects.

I am not calling in question the justice of this proposition; I am not opposed to it; I am in favor of it, just as I am in favor of many other things which are left out of the bill, but the point I am making, and the only point I am making, is that this matter can wait for future action just as other objects in the bill will have to wait for future action.

It is perfectly satisfactory to me if the Senate desires to make this amendment to the bill, but the chief reason why I am opposing any amendment is that I feel, if we once open the door and begin to amend the bill, we shall find ourselves in a short time in the attitude of making the bill here upon the floor of the Senate, because we shall find Senators who think they have good propositions moving to amend the bill by adding such propositions to it upon the ground that they are exceptional and are entitled to exceptional consideration.

Mr. VARDAMAN. Mr. President, I realize the necessity at all times for economy in the administration of the affairs of the Government.

I am very much in favor of economy. If I may be permitted to digress for a moment, I would say that instead of levying any more tax I should reduce every appropriation that has been made by this Congress and which has not been expended 10 per cent, and I would withhold from the officers and employees of the Government a percentage of their salaries sufficient to make it unnecessary to levy any additional burden upon the already overloaded taxpayers of the Republic. I am also very desirous of getting away from Washington and having Congress conclude its deliberations, but my understanding is that Congress sits for the purpose of legislating in the interests of the people.

This proposition is going to consume but little time of the Senate; it involves the outlay of a very small amount of money; its adoption will be but the recognition of a right that has long existed and been most shamefully neglected. These people have been robbed of their homes; the beautiful plantations and splendid country places have been laid waste; comfort and contentment have given way to worry and want, and what was once the home of culture and luxury is to-day a wilderness, and for what purpose? That the balance of that section of the country protected by the levees of the Mississippi River might prosper. They are bereft of all the comforts of life, and many of the people who were driven from this section by the inundation are to-day in poverty; and the United States Government, the richest Government on earth, has taken its citizens' property, devoted it to a public use, and when we ask the Senate to pass a law by which we can ascertain the extent of the damages sustained by them we are met with the objection that it takes a little time. Justice must be sacrificed to brevity in the writing of the law; injustice is to continue because we have had an agreement here that we are going to make a short bill. If a private citizen should act in that way toward his fellow man, he would be regarded as an outlaw. I insist, Mr. President, that it is but simple justice that something of the kind as proposed in this amendment be done. The matter has been waiting for 20 years, and, as the river commission said: "Hope deferred maketh the heart sick."

The Nation's honor should be most zealously guarded and the Nation's obligations to its citizen should be sacredly observed. Robbery by the Government of its humblest citizen is a form of intolerable despotism and the common sense of justice of the American people will not tolerate the thought.

Mr. WILLIAMS. Mr. President, I have been for several years at work trying to get justice for these people. I have made a long argument, indeed several long arguments, before the Committee on Commerce in their behalf. This year, for the first time, the door of the temple of justice was left a little bit open for them. While no substantially beneficial legislation was placed upon the bill, a commission was provided for in accordance with the terms of a bill introduced by me, which was offered as an amendment to the pending river and harbor bill. This commission was to determine and recommend compensatory relief.

I, for one, did not deceive myself last night. I knew that if the resolution to recommit with instructions, offered by the Senator from Alabama [Mr. BANKHEAD], was passed, it meant that, not only this, but many other very deserving projects were to be stricken from the bill, not because they were not good investments for the people, nor because they were not just and right in themselves, but merely because they were new. I therefore voted against that motion. I now recognize that unless the policy declared by the Senate in adopting that motion shall be departed from, what little good I have been able to obtain for those people goes by the board for at least another session of Congress.

Mr. President, I ask unanimous consent, without taking up the time of the Senate, that I may insert in the RECORD as a part of my present remarks the argument upon this subject which I made before the committee.

The VICE PRESIDENT. Is there objection to the request of the Senator from Mississippi? The Chair hears none, and permission to do so is granted.

The argument referred to is as follows:

"CLAIMS FOR DESTRUCTION OF PROPERTY, MISSISSIPPI RIVER.

"STATEMENT OF HON. JOHN SHARP WILLIAMS, A SENATOR FROM THE STATE OF MISSISSIPPI.

"The ACTING CHAIRMAN. Which particular amendment will you address yourself to, Senator?

"Senator WILLIAMS. The one introduced by me on March 31. I introduced it first as a separate bill, and then as an amendment, and I urge it now as further amended by the suggestions of Mr. Jenkins and the gentlemen who were here.

"The ACTING CHAIRMAN. That is, conferring jurisdiction on the Court of Claims?

"Senator WILLIAMS. Yes. You will remember that when Mr. Jenkins and the members of the Riparian Landowners' Association were here they suggested a couple of amendments to my amendment, and they informed you of the fact that I had been consulted about them and was willing to accept them. The first amendment includes all the riparian land in the parish of West Feliciana in the State of Louisiana. My original amendment included only a part of them. The second amendment is a proviso that in adjudicating the claims the court shall permit any party who in the meanwhile has lost his land by foreclosure to intervene, and that in proportioning the damages the court shall give such proportion as they think right and proper to the present owner and the foreclosed owner, but in no event shall the damages exceed the limit fixed in the bill, which is the value of the lands when they were taken.

"Senator RANSDELL. The amendment you are considering is the one that was offered on March 31?

"Senator WILLIAMS. March 31; yes.

"Mr. Chairman, this matter very naturally divides itself into a logical sequence of discussion. First, the evil complained of; second, the cause of it; third, the several possible and sometime suggested means of redress; and, fourth, why the particular means of redress selected by me is to be preferred. Then a notice of the objections that have been made to it, and then a notice of the legislative precedents for the proposed redress.

"It is not necessary for me to dwell at any great length upon the evil. The United States Government has adopted the policy of aiding the local authorities in building a continuous line of levees. Of course as far as these riparian landowners were concerned a continuous line of levees was never necessary for the protection of the land. The Mississippi Delta, for example, can be protected just as well without any levees in Arkansas or Louisiana, even on the east bank of the river, and the Louisiana east or west bank could be protected just as well if there were no levees along the banks of the Mississippi Delta. Thus formerly there were a lot of detached levees. This Federal policy of continuous levees was originally determined upon because the object was to keep the river at high flood within its banks, so that there should not be a gradual filling up of the bed of the river, and while the effect of it would be to increase the height of the flood at high water; the ultimate effect of it would be to increase the capacity of the river itself.

"In order to answer this navigation purpose, I thought, and I think still, that regardless of the riparian owners behind, the levees on the east bank of the Mississippi below Vicksburg, and between there and Baton Rouge, ought to have been built in order that there might have been a continuous and uninterrupted line of levees approximately equidistant from levee to levee along the whole course of the river. I do not believe now that that continuous line of levees would have been for the benefit of the riparian landowners from Vicksburg to Baton Rouge, because there are so many little streams that run out from the hills there with such a volume of water during freshets that there would have had to have been erected a pumping station in order to get the water off of them after it came down. But as far as the national purpose is concerned, it remains that without a continuous line of levees on both sides approximately equidistant shoaling and sand bars have been caused and will continue to be caused by the fact that instead of adopting as the bank of the river for high water a line of levees running down approximately equidistant, they have adopted an irregular line of hills, sometimes jutting into the river and sometimes as far back as 10 miles from the river, causing an eddying in and out of the stream, which at each point where spreading and eddying forms a sand bar.

"The result to these people for whom I am now pleading has been this: That their land and their homes have been dedicated to the bed of the river. The hills back of them have become the Government levee.

"The hills being the levees on the east side below Vicksburg to Baton Rouge, these lands are thus within the high-water banks, the hills constituting the high-water river bank on the east side; they are between the hills and the river. The river commission has adopted the hills as a levee from Vicksburg down to Baton Rouge. The consequence is that whereas even if there had been the old system of levees, they would have suffered from high water some harm at infrequent times later, when the levees were completed on both sides of the river, thereby raising the level of the water at times of high flood, they have now been subjected to annual and permanent overflow. And when I use that language, that is not originally my language, that is the language of the Mississippi River Commission, and of the engineers, as well as of these suffering people.

"So that, as I said a moment ago, the lands and property of these people have been dedicated by the levee system, taken as a whole, to the bed of the river at every annual high water.

"Now, prior to this, this country at rare intervals suffered from high water, as every bit of the Mississippi Valley that is alluvial has at times suffered. All the alluvial lands were built up by the river, and could not have been built up by the river except for the fact that the river at some time was higher than the banks, overflowing them and leaving a deposit of sediment. In 1862, in 1882, and in 1828 these lands went under, but they did not go under once in a quarter of a century. When lands in the Yazoo Delta and upon the west bank of the Mississippi River opposite these lands were under water, many times, indeed, nearly all the time, these people were raising magnificent crops, from a half a bale to a bale of cotton to the acre, and there was no more prosperous part of Mississippi, as you know, Mr. Chairman, of your own personal knowledge.

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"Senator WILLIAMS. You will find from the hearings the number of people that have been run out of this country. Somebody asked the question if they could not use those lands now for grazing purposes. I need not tell you, who know the configuration of that country between Walnut Ridge and the Mississippi River, that this is absolutely impossible. It is impossible to get the cattle out when the water comes, owing to the local topography. They are cut off by sluices, sloughs, bayous, and morasses, and the water is deeper back form the river just before you enter upon the rise of the ridge than it is at the river itself, because there, as all along the Mississippi River, the bank nearest the river is the highest because it received the first and heaviest and deepest deposit of sediment. So that there the cattle and stock are isolated in case of high water and it is impossible to get them out except with rafts or other floating things. They can not be driven out once the ordinary river bank is overflowed.

"Thus the evil complained of is that by this great course of public improvement, which has inured so much to the benefit of the valley at large and of the commerce of the whole country, these people have incidentally suffered a total loss of their property. Well, not a total loss, either, because they can make something out of the timber upon it. But most of the timber left is the sort that grows in water, of course, and most of the valuable hardwood timber is killed by the annual overflow. It will kill hardwood timber of most descriptions that are really valuable. The evil is undenied. So much for the evils.

"The Mississippi River Commission says it is 'a most distressing' condition, and it has not once but several times recommended that Congress 'take some steps' to give these people relief. Of course, there are several steps that might be taken, and the commission has suggested each in the alternative. In the first place, you might stop the whole levee system, tear down the levees elsewhere to prevent these people from being hurt, thus restoring them to their former status. That would

be absolutely ridiculous and wicked, because the good of the greatest number must prevail, and where it is absolutely necessary that a minority should be sacrificed in carrying out that principle they should be sacrificed.

"But the English-speaking race has always compensated those whose interests have been sacrificed for a public purpose, and this has been uniformly done, both in England and here, not because it was an enforceable legal right, but because the magnificent civilization of the race has been built upon the rock of justice.

"Building levees is naturally the next remedy to suggest itself. It was to me. Hence I introduced a bill at one time, as the Senator from Louisiana [Mr. RANSDELL] will remember, to appropriate $350,000 for buidling the levees along the Mississippi east bank below Vicksburg.

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"The ACTING CHAIRMAN. You mean so as to protect these people you now speak of, and put them behind the levees?

"Senator WILLIAMS. Yes; but pending that bill this committee put on at my request a provision on the river and harbor bill for a survey and a report. That survey and report settled the question that that method of redress will do these riparian landowners no good, however much benefit it might be to the navigation of the Mississippi River. So that as a redress for this particular evil, I have abandoned that, because when the engineers reported they convinced me, as they doubtless convinced you, that that was impracticable, not only because it would not protect the lands without pumping stations, but because the expense of building the levees would be a great deal more than the entire property behind the levees, at its present value, at any rate, comes to.

"Now, I have outlined the evil, and I have indicated while I was outlining it the cause of it, and suggested remedies which will not answer. There is no dispute about either of those things.

"The next redress that suggested itself was a suggestion on the part of Judge Taylor, followed up by the Mississippi River Commission, and by the engineer adopting it in his recommendation after this last survey, that these lands might be taken by the United States Government—condemned and taken—because of the fact that they would be useful in furnishing various materials—gravel, willows—for revetment work, and all that sort of thing. Of course, my constituents would be perfectly satisfied with that course if the committee chose to pursue it. I hardly dare ask that. I thought I had better confine myself to a method of redress which had behind it precedents; hence the amendment now urged.

"Now, I want to say this before I go any further: I deplored these lawsuits which have been resorted to, and advised every man in Mississippi who consulted me not to become a partner to them; that they were no good; and that, so far from helping the cause in view, they would prejudice it. I saw, as I thought every good lawyer ought to have seen, that there was no enforceable legal right for these people. A man goes out to war for his country, and loses his arm, and the country gives him a pension, but he would have no right to come in and sue the Government to give him a pension. A man goes up here on the Capitol to do some work, in the employ of the United States Government, and in the course of his employment is seriously injured. We make him an appropriation, but he could not go into any court and sue the Government for that appropriation. Judge White's decisions in the Jackson case and in the Hughes case are undoubtedly correct. The United States Government, in exercising its power to improve navigation, can not be held legally liable for consequential damages. So that I do not plant my case upon any legal basis, and never have planted it upon that. I plant it upon the basis of justice and ethics and right, upon precedents that our race on both sides of the water has always furnished and respected. I say that if you organize an army to go and accomplish a great purpose for the Nation, and in the course of the accomplishment of that purpose a soldier's leg or arm is shot off, that there is just as much an obligation on the part of the Government to see that that man does not suffer because of the consequential or incidental damage which he sustained in doing that great work which the Government had a right to make him do for the benefit of the public at large—that there is just as much a moral obligation as if the man did have a legal right enforceable in a court of law, which of course he has not. These people have none, either. I want to make that clear, because I believe that the fact that a suit was brought, and that the suit was decided adversely, has, in the minds of the lawyers of the Senate, prejudiced this case.

"I suppose that is enough to say upon that point. Of course each one of you will see how that might be dwelt upon in extenso.

"There is one other thing before I go into the remedy and the precedents. There are lands in the same situation as these in Tennessee for which Mr. SHIELDS has introduced an amendment, lands in Louisiana to which attention was called by the Senator from Louisiana [Mr. RANSDELL], and there may be others. The question was asked, Why should not a provision of law, if made applicable to these people between Vicksburg and Bayou Sara, apply to all people who were similarly situated? There is no rational negative reply to that, of course. If you are going to give relief to one, it ought to be given to all that are identically situated. But I have an objection to putting those amendments in the same paragraph with this amendment, but no objection to taking care of them in a succeeding and independent paragraph, and that objection I will now state. The point of order will not lie to my amendment, because there was a survey made by the engineers and a recommendation made by the commission, and a foundation was thus laid for putting my amendment in compliance with them upon the bill. But if, for example, the lands suggested by the Senator from Tennessee [Mr. SHIELDS] were put in the same paragraph, that would vitiate the entire paragraph and render it all subject to the point of order. If provided for by another and separate section, including those lands and including those which the Senator from Louisiana [Mr. RANSDELL] has suggested, then if the point of order should be successfully made to that paragraph containing the portion where no survey had been made and no recommendation had been made, it would not carry my provision with it. That will be better for me and it will be better for the other people for whom relief is sought, because if my amendment passes, then the precedent for all identically situated is established. Then even, all you will have to do is to put on this bill surveys for your section, Senator RANSDELL, and surveys for yours, Senator SHIELDS, and include them in the next bill.

"Senator RANSDELL. Will you not please elucidate what you mean by saying that a survey and recommendation have been made?

"Senator WILLIAMS. On the last rivers and harbors bill I obtained an appropriation—this committee gave it to me—for a survey and a report to determine whether it was feasible to levee, and if not, what was the feasible thing to be done, as well as to ascertain the actual situation.

"Senator RANSDELL. You refer to the reports made by the Mississippi River Commission under that provision of the act?

"Senator WILLIAMS. Yes; and of the engineer who did the surveying.

"Senator RANSDELL. Did that provide any recommendation for damages, or simply a suggestion as to how the levees might be built?

"Senator WILLIAMS. Their report, you mean?

"Senator RANSDELL. Yes.

"Senator WILLIAMS. Or my survey proposition?

"Senator RANSDELL. The report made in accordance with your request.

"Senator WILLIAMS. The report of the engineer is to the effect that he advises against erecting levees, first, because of the number of watercourses coming out which will require pumping stations to complete the drainage, and secondly, because the value of land protected by levees is less than what the levees would cost, and the river commission makes the recommendation to send to a commission or to the Court of Claims the whole subject matter for the ascertainment of the damage in forwarding the result of that survey. In the first place, the engineer called attention to the previous recommendations of the commission, and the previous recommendations of the commission were either to let these people go into some court—in one of their reports they suggest that there might be a special tribunal created to determine it—a commission—or else that the people be sent into some court, which it thinks could more adequately ascertain and determine what the actual damages were than the Mississippi River Commission itself could.

"I at one time introduced a bill here organizing a special commission, but upon second thought it seemed to me that the Court of Claims was already organized with its officials of every description, and that there was no use putting the country to the expense of organizing new and untried special machinery to do that which the existing machinery was perhaps even better adapted to accomplish. Therefore the amendment as I offer it now sends the matter to the Court of Claims for investigation and a finding, conferring jurisdiction for the purpose——

"Senator RANSDELL. Senator, perhaps I am a little confused, and I wish you would help me out. Do you refer now to the report made by the Mississippi River Commission in 1910, the one which Mr. Jenkins embodied in his report, or a subsequent one?

"Senator WILLIAMS. No; to the last one, chiefly. That was made before this, but I had to refer to that of 1910 in a certain sense, because in their last recommendation the Mississippi River Commission refer back to that, and say that they repeat what they had to say then, and reenforce it by its repetition now. I am referring to the last report which was made subsequent to the report of the engineers upon the last survey for which $30,000 was appropriated in the last river and harbor bill. I think from about 1888—I am not sure of the year—down to now this Mississippi River Commission has been constantly recommending to Congress that something be done for the relief of these people, and referring, to use their own language, to the 'distressful' condition in which they have been left, and admitting and asserting that the cause of that distressful condition was the raising of the flood level by the erection of a continuous set of levees, restraining the river within its banks at flood times, while building no levee in front of their property, and because of this the commission in their last report and in the previous one, and the engineer, too, in his last report, acquaint you with the fact that these people are 'permanently inundated.' That is, they have an overflow every year, and must have it, and the height of the flood will continue to increase as the levees are perfected, and consequently so far from expecting any relief from present ills, they may expect to have a worse time from year to year.

"I want to dwell upon one other thing a moment. It has been alleged as one of the objections to the redress sought that the United States Government is expected to pay these damages, whereas the cause of the damage, to wit, the erection of the levees, was not only the act of the United States, but was the act of the State of Louisiana, and of the various levee districts along the river; and that therefore there ought to be an apportionment of the damages between all the contributing parties. My answer to that in the first place is that apportionment is absolutely impracticable, and there is no way of making it. There is no such thing as a joint suit against a State, a levee board, and the United States Government. And in the second place, and this I want to impress upon you, by the very nature of the case, the levee districts must pay a part of these damages if the damages are assessed and paid by the United States. Now, follow me. Already the levee districts have gotten the advantage of the nonerection of levees on this front. These levees, if they had been built from Vicksburg down to Baton Rouge, would have cost a half a million dollars in round numbers—about that, or somewhat less. What would have been the result? Either that half million dollars would have been subtracted from the work which has been done elsewhere, and the levees elsewhere could not have been carried to the present height, or else if they had been, the amount appropriated by Congress would have been increased a half a million dollars. If the amount appropriated by Congress had been increased a half million dollars, then the contributions of the levee districts, which must maintain a certain proportion to the national appropriation, would have had to be increased proportionately. If the Government continues to avoid the expense of building the levees down there, the people on other parts of the river in levee districts will continue to enjoy the benefit of this saving of half a million dollars, plus the annual upkeep. If you make an appropriation for damages to these people of mine, the others will all continue to enjoy the difference between the sum assessed and paid to my constituents as damages, and the half million dollars needful for first construction on levees besides the large amount for annual upkeep and some revetment work. If those levees on the river from Vicksburg to Baton Rouge were built to-morrow and were added to the appropriation in this bill, or if, without increasing the amount of the appropriation, the amount of their cost of construction were taken from the amount appropriated for levees elsewhere, you see at once that these people elsewhere—I, in the Yazoo Delta, others in Arkansas, and you, Senator RANSDELL, in lower Louisiana—would have to do one of two things; either increase our proportionate contributions to the common levee construction fund or else suffer by not having the work done which we expect to be done. If you pay these damages, the Yazoo levee district, the Mississippi levee districts, the Louisiana levee districts, and the Arkansas levee districts, will have to pay their share of it, because the United States Government is pursuing the policy of helping those who help themselves, and helping them in proportion as they help themselves, requires their appropriations to increase with its own. And if this amount is increased to a given amount ultimately through the judgments of the Court of Claims, say, a quarter of a million dollars, those people now protected by levees must pay their share of that quarter of a million dollars.

"The ACTING CHAIRMAN. This bill does not provide for a proportionate contribution by the levee districts.

"Senator WILLIAMS. I know that; but the Mississippi River Commission insists upon that policy, and it has been the uniform course and will, I assume, continue to be the practice. So far as I know, the Federal Government never built a levee for anybody where there was nobody helping. Where the people never would tax themselves, the Government has refused uniformly to build for them. I understand that to be the hitherto fixed policy of the Mississippi River Commission.

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"Senator WILLIAMS. Proportionate payment by protected parts of the river would follow with practical necessity, as I see it, because the appropriations to pay the amount for which the Court of Claims found judgment would be made upon the rivers and harbors appropriation bill.

"The ACTING CHAIRMAN. Yes; but would we not be confronted then by the suggestion that this bill authorizes a suit for the ascertainment of damages against the United States, and that, therefore, the Court of Claims having found against the Government, the Government itself ought to appropriate all the money?

"Senator WILLIAMS. There is no doubt about that, in the first instance; but when the Government had appropriated the money, it would have appropriated it as a part of a rivers and harbors bill, and it would thereby have added that much to the bill of that year, and that practically and necessarily would force these various levee districts to raise their proportionate share of the addition that had been thus made. I am speaking of the practical and even necessary consequences of the increased appropriations.

"So much for that. Another answer to the objection that there is a double construction of the levees is that, while that is true, there is a single ownership, management, and control, and that is in the United States Government now. If the Mississippi levee district, for example, Mr. Chairman, chose to cut the levees on its front—were to come to the absurd conclusion that it was better for the people there not to have a levee—of course the United States Government would not permit them to do so. The United States Government would say, 'You may conclude that doing away with these levees from Greenville to Vicksburg is for your benefit as landowners, but we are improving the navigation and commerce of the Mississippi River. What we are doing is done with two purposes: First, to improve the navigation, and, secondly, to unhamper, unshackle, and free the commerce of the valley and the commerce crossing the valley, from the destructive interruptions by floods,' which, by the way, is a very much greater reason for what the United States are doing with regard to the levees than the mere improvement of navigation itself by the deepening of the channel. I say this because when these great destructive overflows come they go over the railroads; they go over the dirt roads; they go over the towns and factories and freight yards and everything else; and they just put a stop to all interstate commerce within and across the valley of the Mississippi within the area of the flood.

"So much for that. The control, the ownership, and management of the levees is now single and is the control and management of the Federal Government. Something has been said, and a suggestion has been made, that perhaps this committee might report out a separate bill instead of making this a provision upon the rivers and harbors bill.

"Mr. Chairman, I want to protest against that course for a very patent reason that any man who ever served in the House of Representatives understands, and I want especially to call your attention, Senator RANSDELL, because you have served there, to this: If this is reported as a separate bill, it goes in the House upon the Union Calendar, and there is practically no way of ever getting it off except by unanimous consent. The Union Calendar in the House is just like Rule IX in the Senate. When a bill goes on the calendar under Rule IX in the Senate, you might just as well bid farewell to it, as a usual thing. This sort of a separate bill will go on the Union Calendar in the House as a mere claim and could not come up there except at certain periods, and then by unanimous consent. So much for my objection to a separate bill.

"The ACTING CHAIRMAN. Let me ask you, Senator, if it will not interrupt you, Was this matter submitted at length to the committee of the House?

"Senator WILLIAMS. Yes; I know it was. It was submitted at the last session, the last time they had a rivers and harbors bill up.

"Representative QUIN. Not at this time. It was at a previous conference.

"Senator WILLIAMS. My colleague in the other House, Mr. QUIN, tells me it was not at this session. I know it was submitted once, because I was there.

"My colleague, Senator VARDAMAN, the other day regretted my absence upon the occasion when these riparian landowners were here and were addressing you. I had no idea of addressing you on that occasion, because, of course, I am well enough acquainted with the practical course of things legislative to know that the presentation of a case which follows five or six other presentations of it goes with very little force, and I preferred to wait until I had their presentation before me for such aid as it might give me, and then to sum the whole matter up separately.

"Now, gentlemen, I come to the amendment itself. I shall take the trouble to read it, although it will take a little time. I read it now as amended. Leaving out the title, it reads:

"The claims of the landowners for the destruction of private property located along the Mississippi River, in the counties of Warren, Claiborne, Jefferson, Adams, and Wilkinson, in the State of Mississippi, and the parish of West Feliciana, in the State of Louisiana, and damage thereto by flowage or otherwise, as a result of the construction of levees along and other improvements of said river, are hereby referred to the Court of Claims, with jurisdiction to hear and determine the same to judgment: *Provided*, That the landowner files a petition in said court within one year from the date of the approval of this act, and said suits, on motion of either party, may be advanced for hearing in either the Court of Claims or the Supreme Court.

"In adjudicating said claims the Court of Claims is hereby authorized to take into consideration the evidence already taken in behalf of either landowner or the Government in cases heretofore instituted in said court, where the claimant and the United States have been represented by counsel present at the taking of such evidence, and the said Court of Claims shall ascertain and find to what extent and amount any property has been damaged or injured as a result of such river improvement, and to enter judgment therefor: *Provided, however*, That if said Court of Claims finds that such damage or injury amounts to a destruction of such property, said court, before payment of its judgment, shall require the proper party to execute a deed of conveyance for the title to said property to the United States, and such judgments, if any, shall be paid as other judgments of said court are now paid under existing law.

"The reason for putting that last clause in, Mr. Chairman, was because of the suggestion made at the last session to this committee by Judge Taylor, the president of the Mississippi River Commission, with which the engineer in his recent report agrees, that this land would furnish a good deal of useful material for the improvement of the river. Nearly every little stream that comes down there from the hills is loaded with gravel, and that whole country has a good deal of willow and a good deal of cottonwood, the willow especially being very highly useful in revetment work. If it is left in the present condition, the land will run still more to willow and gravel, and it was the opinion of Judge Taylor that it would pay the United States Government to own it; certainly it would pay it better than to levee it. Certainly it would pay it better than to give us any other redress which has been suggested. All of them would be more expensive to the United States Government and without any return to it.

"Then follows in my amendment this proviso:

"*Provided further, however*, That in adjudicating said claims the Court of Claims shall permit any party who, at any time since 1890, owned or held title to said lands, or any part thereof, or interest therein, involved in the respective cases, or who, since 1890, has parted with title thereto, or become dispossessed of said lands or any part thereof, or interest therein, by reason of foreclosure proceedings for the enforcement of mortgages, tax delinquencies, or otherwise compelled to sacrifice title thereto, as a result of said injuries, to appear as a party claimant by filing an intervening petition therein, or may be made a party or parties claimant by either the original claimant or the defendant within six months after the approval of this act, setting up their right, title, or interest in and to said land, and said court shall consider the claims of all of said parties and render judgment for whatever amount said court considers equitably or justly due the respective parties, but in no case shall the total of said judgment or judgments exceed the value of the land involved in the respective cases before being so injured or destroyed, and the payment of said judgment or judgments shall thereafter forever release the United States from further liability or responsibility for any damage to said lands as a result of constructing improvements along or adjacent to said river for any purpose whatever.

"Then there follows the proviso that in no event, however, shall the total damages assessed as between the present holder and the parties formerly holding and foreclosed amount to more than the damage of a total destruction, which would be the value of the land.

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"Now, let us see about the precedents in the case.

"Senator RANSDELL. Senator, before you pass away from that, would it be satisfactory for us to limit the amount of damages that could be claimed under your amendment to $200,000?

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"Senator WILLIAMS. It would be satisfactory to me, Senator, if that is the right amount, except this, that I do not see how you would practically do it, because landowner A comes in and makes his claim, and B, C, D, and E do, and so on down the alphabet, and if it should turn out that the claims amounted to more than the $200,000, A, B, C, and D might get paid and E might be left with nothing. That is the trouble. But certainly the United States Government can well afford to leave to its own courts, where it is represented by the Department of Justice, the determination of what the actual damage has been. I would not object to some limitation if it were practically possible to make it, but I am satisfied that the real damages properly adjudicated would not go above a proper amount; but that is merely my opinion. A limitation might be made of so much per acre—say $30 for improved and $5 for unimproved lands. That is about what land was worth there when 'permanent inundation' took effect; maybe something less.

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"Senator WILLIAMS. This matter may not be of importance to the people of the United States at large, but to the people of this district it is a matter of life and death, because they have been simply bankrupted. Many of them have been foreclosed—have lost all. Their sole hope for restoration in part is here. As to the precedents for this action, Mr. Chairman, the river and harbor act of 1907 (34 Stat. L., p. 1073, and vol. 2, Laws of the U. S., Imp. R. and H., p. 1255), contained legislation similar to that set out in these amendments, and also carried an appropriation of $1,200,000, out of which any judgment rendered thereunder could be paid.

"That is not only a precedent for this legislation, but is a precedent for your suggestion. In that case they appropriated a certain amount of money and then gave authority to the Court of Claims to hear these cases, and provided that the claims should be satisfied out of this amount appropriated beforehand. The further provision then made I will read, as follows:

"Any person or corporation having any estate or interest in the premises, who shall for any reason not have been tendered payment therefor as above provided, or shall decline to accept the amount tendered therefor, may, at any time within one year from the publication of notice by the Attorney General as above provided, file a petition in the Court of Claims of the United States setting forth his right or title and the amount claimed by him as damages for the property taken; and the court shall hear and adjudicate such claims in the same manner as other claims against the United States are now by law directed to be heard and adjudicated therein: *Provided*, That the court shall make such special rules in respect to such cases as shall secure their hearing and adjudication with the least possible delay.

"Senator RANSDELL. When was this act that you are reading from passed—that first one?

"Senator WILLIAMS. 1907.

"Senator RANSDELL. Was that a river and harbor act or a special act?

"Senator WILLIAMS. It was on a river and harbor act. Then, the river and harbor act of 1881 (21 Stat. L., p. 468, and p. 33, vol. 1, U. S. Laws, Improvement of Rivers and Harbors) also contains legislation similar to that proposed in my amendments. This legislation had reference to the construction of a dam at Lake Winnibigoshish, on the headwaters of the Mississippi River, and is as follows:

"*And it is provided*, That compensation for any private property taken or appropriated for any of said improvements, and of damages to private property caused by the construction of any of said dams, by flowage or otherwise, shall be ascertained and determined under and in accordance with the laws of the State in which such private property is situated.

"That legislation, the chairman and members will notice, went further than the others and left the damages to be adjudicated by the State courts, the United States pledging themselves to pay their judgments.

"By the way, here is the language to which I referred, which the river commission used in connection with the utility of these lands, and to which I referred a moment ago, when I was unable immediately to lay my hands on it:

"The land embraced in these basins is in places covered with willow, a material that would be valuable for use in the work of river improvement, and in such cases it is desirable that the ownership should be in the United States. In fact, the earlier reports of the commission recommend that such lands be acquired for that purpose.

"They go on to say:

"The lands are capable of growing many kinds of valuable timber. They could be made to produce much material for revetment and other works of improvement in the river. If the fields were abandoned to natural growth, the land would be gradually built up by deposit and they might become highly valuable for cultivation.

"That is, in the course of time.

"But returning from this discussion to the question of precedents for my amendment, I want to call your attention to another precedent. This was the legislation giving relief to the landowners along the Fox and Wisconsin Rivers which was enacted in March, 1897, and is to be found at Eighteenth Statutes at Large, page 506. This was the subject of a House bill, No. 4573, of the Forty-third Congress, second session, which passed the House by a unanimous vote on February 24, 1875, as shown by the CONGRESSIONAL RECORD for that date. This bill was reported to the Senate the following day, February 25, and referred to the Committee on Commerce. The bill came from the Committee on Commerce with a favorable report and passed the Senate by a unanimous vote on March 3, 1875.

"The Fox and Wisconsin Rivers are farther up north. They received a unanimous report. When the bill was being considered by the Senate Mr. Howe—Senator Howe at that time—said:

"The precedent for this bill is one under which damages were adjusted for the Des Moines River improvement.

"This precedent referred to by Mr. Howe—the Des Moines River precedent—will be found in Fifteenth Statutes at Large, page 124, and became a law on July 20, 1868.

"So there are precedents of 1868, 1875, 1881, and 1887.

"The legislation giving relief to the landowners along the Fox and Wisconsin Rivers remained in force from March 3, 1875, to February 1, 1888, when it was repealed (25 Stat. L., p. 4, U. S. Laws, Imp. R. and H., vol. 1, p. 476), and as a result of the enactment of this legislation approximately 400 landowners along the Fox and Wisconsin Rivers were compensated for damage to or destruction of their lands as a result of improving the rivers. The names of these landowners will be found in the various acts of Congress making appropriations to compensate them after judgment was rendered. For instance, by the act of February 1, 1888, 127 of such cases were settled (25 Stat. L., p. 4; U. S. R. and H. Laws, vol. 1, pp. 472-476).

"These people, like my people, Mr. Chairman, had no right enforceable in any court of law. That is clearly admitted. Congress gave them a right. They had and we have only a permissible right in the forum of justice and fair dealing and ethics and common honesty. Yet this is the way Congress dealt with them, and there is no reason why, simply because they were a few degrees of latitude farther north than we, that a different course should be pursued toward my people. I repeat, the names of these landowners will be found in the various acts of Congress making appropriations to compensate them after judgment was rendered. For instance, by the act of February 1, 1888, 127 of these cases were settled. That is to be found in Twenty-fifth Statutes at Large.

"The ACTING CHAIRMAN. Can you say whether in any of those cases where appropriations were made that the Government imposed upon the districts a proportionate part of the damages assessed?

"Senator WILLIAMS. None.

"The ACTING CHAIRMAN. The Government paid them all?

"Senator WILLIAMS. The Government paid them.

"In addition to the above precedents it should be noted that the Government has in other cases compensated landowners for damage done to their land by flowage resulting from works constructed by the Government.

"Of course, that is on a slightly different footing, but by analogy it is persuasive at any rate. Of course, a dam is not quite the same thing as a dike along the banks—a dam for the purpose of giving slack-water navigation. And I, for my part, can see no difference *in principle* between a case where the Government in giving slack-water navigation to a river, puts in 10 or 12 dams, causing a great deal of property up above the dams to be constantly overflowed, and paying for the destruction, because it was virtually an actual taking, although 'consequential,' and the case of the Government building a dike along the bank of the river resulting in its turn necessarily in annual inundation, as it was anticipated to result, and known beforehand to result. The result was a deliberate and purposed act of the Government when it raised the flood level from 3 to 4 feet.

"The ACTING CHAIRMAN. I think you will find a precedent, Senator, in the case of the dam constructed by the Government at the headwaters of the Yellowstone, where they backed the water up and covered 6 acres of land.

"Senator WILLIAMS. Yes, sir; I do not know how many precedents there are for that; but it has been contended that erecting a dam for slack-water navigation and permanently overflowing land in that way was somehow a different proposition from permanent overflowing from the erection of a continuous course of levees, which are mere parallel dikes or dams, resulting in the same practical damage to the landowner.

"Senator SHIELDS. Are they not both in the exercise of the governmental power to improve these rivers for navigation?

"Senator WILLIAMS. Both of them. When the Kanawha River was given slack-water navigation by Government constructions it was expressly for the purpose of improving navigation and also increasing facilities for interstate commerce, just precisely the reasons that underlie this continuous levee work, and I can see no difference in principle between the two things. One is a perpendicular dike or dam against water and the other is a parallel dike, and both dammings of the water result in flooding, and in this particular case of mine has resulted in permanent and annual inundation. I do not mean that the water is on all the land all the year; but it is on them every year and goes off too late to make a crop. And so the result has been that by accepting the hills as a levee and as the practical bank of the river in high water we have condemned the lands to public use consequentially, it is true, and not directly, but none the less really. It was because it was done consequentially that there was no enforceable legal right in a court, but the result to the landowner and the public both is the same as if you had directly condemned the property and had bodily taken it for public use. It was practically a condemning for public use, for a public purpose beneficial to the country as a whole.

"In addition to the above precedents it should also be noted that the Government has compensated landowners for damage done to their lands by flowage resulting from other works constructed by the Government. For instance, in building what is known as the Illinois & Mississippi Canal, which connects the Illinois River with the Mississippi River at or above the mouth of Rock River, the Government not only paid the landowner for the land occupied by the canal right of way but compensated him for flowage damage to that part of his land not taken for the canal right of way, and the act of Congress provided that such compensation would be assessed and determined as provided by the laws of the State of Illinois. (26 Stat. L., 449; Ill. Const. 1870, art. 2, sec. 13; 2 Star and Curtis Annotated Ill. Stat., pp. 1763, 1770, 1790, 1793; 3 Star and Curtis Annotated Ill. Stat., pp. 3965, 3967.)

"The act of Congress authorizing the construction of the Illinois & Mississippi Canal authorized the Secretary of War to institute condemnation proceedings in the Circuit or District Court of the United States for the Northern District of Illinois sitting at Chicago. Condemnation proceedings were instituted and the decree of the court showed that the landowners along the canal right of way were paid for the land actually taken, and also for damage by flowage to the land not taken. A copy of said condemnation proceedings is on file in the office of the Judge Advocate General, War Department, Washington, D. C.

"Here is the decision of the Supreme Court of the United States in the Jackson and Hughes cases. I think you have already had it published in your hearings, but if not it ought to appear somewhere—not, however, as a part of my testimony.

* * * * * * *

"Senator WILLIAMS. The House Committee on Claims has reported a bill to give us relief, but it has undertaken to give us the relief by a separate bill, and I have told you why I do not want any separate bill. There is a report here from the House Committee on Claims, a favorable report accompanying the bill H. R. 13581, and if my memory be not at fault it was a unanimous report of the House committee. Am I correct about that or not?

"Representative QUIN. Yes, sir; that is true.

"The ACTING CHAIRMAN. Is that on the Calendar of the House?

"Senator WILLIAMS. Yes; but under the rules of the House bills of this sort go to the Union Calendar, and it is worse than Rule IX in the Senate. One can not get it up except by unanimous consent, and of course in a matter of this sort there would be somebody to object, I suppose.

"This committee report uses some language which I desire to read and insert:

"The Committee on Claims, to whom was referred the bill (H. R. 13851) for the relief of the landowners on the east bank of the Mississippi River in the counties of Warren, Claiborne, Jefferson, Adams, and Wilkinson, in the State of Mississippi, and in the parish of West Feliciana, State of Louisiana, having considered the same, report thereon with a recommendation that it do pass.

"The bill under consideration carries no appropriation, but as recommended by the river commission and officers of the War Department refers the claims of the landowners in these counties to a court for adjudication.

"The relief sought by this bill is the legislation prayed for by joint resolution No. 14, which passed the Legislature of the State of Mississippi and was approved by Gov. Noel on February 15, 1910 (see Laws of Mississippi, 1910, p. 109, ch. 363), and by another joint resolution which passed the legislature of that State by a unanimous vote last June. Both of these resolutions memorialized Congress, and especially the Representatives in Congress from Mississippi, to enact legislation similar to that set out in the bill under consideration.

"In the first session of the Sixty-first Congress a similar bill (H. R. 6467) was referred to this committee, and by the committee referred to the War Department, and by that department to the Mississippi River Commission for report. That commission, on April 1, 1910, in returning said bill to the War Department, reported as follows:

"'There is no doubt that the lands and other property referred to in the bill have been more or less damaged by the construction of the levees along the lower Mississippi River which have been built in recent years under the direction of the Mississippi River Commission. * * * At the same time the United States has been benefited by the general improvement of the river for navigation.'

"That reminds me that some time last session Senator GALLINGER, of New Hampshire, said that we people coming here for largess from the Government to get appropriations to build levees wanted to come back and get damages after having built them. That is the old logical fallacy, Mr. Chairman, of a double middle. The people getting the benefit from the levee system are one set of people, and the people who are receiving the damage from the levee of which I complain are another set of people. The people who are being benefited by the levees are not coming here to solicit compensation for damages, but the people who have been damaged by the construction which inured to the welfare of others and to the public welfare are the ones who are coming.

"Prior to this continuous levee system these lands on this east bank, between Vicksburg and Baton Rouge, have been from 4 to 10 feet higher—in some cases as much as 10 feet higher—than they were on the opposite bank of the river, and were never damaged except in epochal overflows, like 1828 and 1882, and probably 1862. So that the fact that the balance of the United States is benefited by the general improvement of the river is regarded by the Mississippi River Commission, differing from Senator GALLINGER, or from what seems to be his opinion, not as a reason why these people should not be paid for the damages, but as a reason why they should be paid. The Mississippi River Commission is right in that, and not he.

"After further stating the facts as to the damage to the east-bank lands in these counties, on the question of the relief provided in said bill for the landowners, the commission said:

"'It would be desirable to have some court or special commission do this, if possible, as a matter of justice to everybody; and if such court is to act at all, it seems just and equitable that it should consider the cases of all landowners affected, without reference to any time limitation.'

"The recommendation made by the Mississippi River Commission to the Chief of Engineers, and by the Chief of Engineers to the Secretary of War, as above referred to, is in all respects similar to the recommendations made by the river commission in its annual reports whenever reporting on the subject of the damage done to these lands. Particular attention is called to the commission's report for 1910, pages 2937–2939, and to House Document 1010, Sixty-second Congress, third session, and especially to paragraph 84, page 12, where it is stated that it was desirable that the title to these east-bank lands should be in the Government, and that the early reports of the commission recommended that said lands be purchased by the Government for use in its work for river improvement. Said House Document 1010 is a report made by the Mississippi River Commission in accordance with a provision of the river and harbor act approved July 25, 1912, which appropriated $30,000 for the purpose of investigating the claims of these landowners and to survey said lands.

"The relief provided for in this bill is, in all respects, similar to the relief granted to the citizens along the Fox and Wisconsin Rivers by the act of March 3, 1875 (18 Stat. L., pt. 3, p. 506, chap. 166, and 25 Stat. L., p. 24).

"Skipping a part of this report, I now read from page 3, as follows:

"From Delta Point, opposite Vicksburg, to West Baton Rouge the flow of the high waters is obstructed by that part of the levee system on the west side of the river, and they are now compelled to flow over the space between that part of the levee system west of the river and the foothills east of the river in Mississippi, and which space does not have an average width of over 3 miles. This stretch of territory on the east side of the river from Vicksburg to Baton Rouge is very irregular in its width, for the foothills at several places abut on the river, as at Vicksburg, Grand Gulf, Rodney, Natchez, Ellis Cliff, Fort Adams, Tunica, and Bayou Sara or St. Francisville, making six small V or U shaped basins.

"From Baton Rouge south, instead of flowing over a territory 60 or 70 miles wide to the Gulf as formerly, the high waters of the river are now compelled to flow over the space between that part of the levee system constructed east and north of the river and that part of the said levee system constructed west and south of the river, which does not have a width of more than 2 or 3 miles at any point, and in this way the free flow of the high waters in their course to the Gulf is obstructed on both sides of the river. The Mississippi River Commission has established a grade and height for levee construction along the river which is from 3 to 5 feet above the highest known water, and the levee system as now constructed is, in the opinion of Col. Townsend, president of the Mississippi River Commission, sufficient to withstand all ordinary high waters. (P. 96, Hearings on H. R. 1749, before House Committee on Rivers and Harbors, Dec. 3 and 4, 1913.)

"In addition to these obstructions to the free flow of the high waters of the river south of Vicksburg, the high waters are brought from Cairo south, diverted from their natural course, and confined between two lines of levees, as before stated, to the mouth of the Yazoo River, over a territory only about one-twelfth as wide as that over which the high waters flowed before levee construction, and at Brunswick, just north of the mouth of the Yazoo River, these diverted and confined waters are turned loose in volume much greater and with a current more forceful and destructive than before levee construction, on the land in these counties lying between the foothills east of the river and the line of levees west of the river, with the result that said lands on the east bank of the river between the foothills——

"The ACTING CHAIRMAN. As far back as 10 miles from the river sometimes, did you not say?

"Senator WILLIAMS. Yes; in some places, and generally varies from 2 to 6 miles, but in some places it is as much as 10. The United States have connected the levees with the foothills at Baton Rouge and connected them with the foothills at Vicksburg.

"I call this to your attention because some gentlemen have said that while this was admitted to be a consequential damage that it was also an unintentional damage. Every man and every government is presumed to intend the natural and necessary consequences of his or its own acts. You gentlemen upon this committee knew—you were too well informed not to know—that while it was contended that confining a great river would not increase its average level or its low-water level, that it must necessarily always increase its high-water level.

"In the Mississippi River Commission's annual report for 1894 the river commission states very fully the injuries done the east-bank lands, and gives as a reason therefor the following:

"The subject has been thus fully presented in order that Congress, with the facts before it, will take such action in respect thereto as shall in its wisdom seem best and with a request that it may receive the early attention which its importance merits.

"Then in the report for 1895 the commission renews that recommendation. This is its language. It says:

"Renews the recommendation there made that some provision be made by Congress for the adjustment of the equitable claims in such cases.

"Third. In the annual report of 1896 reference is made to the same subject again, and the recommendation again repeated. Then, for the fourth time, in their annual report for 1910 they call attention to it and reenforce the previous representation. The river commission's report for 1910 states that the east-bank lands in these counties are 'permanently inundated'—mark you, Mr. Chairman, this is the language of the commission—'permanently inundated,' as a result of the construction of the levee system.

"Here is another thing that is brought out splendidly in this House report and I want to call it to your attention, because it is such a graphic statement of the actual situation of things. It reads:

"The area of this basin is 1,240,050 square miles, or about 41 per cent of the entire area of the United States, exclusive of Alaska and outlying possessions. That this is also a national question is further shown by the fact that the accumulated waters which the Government's levee system brings down the improved channel of the river and turns loose and diverts upon the lands of the east-bank citizens of these counties comes from 31 States of the Union, which makes the Mississippi River confined within the Government's levee system the drainage ditch of said 31 States, comprising, as heretofore stated, almost half of the territory of continental United States.

"It is a fact admitted in reports by the officers and agents of the United States charged by acts of Congress with the construction of the Government's levee system that the confinement and diverting of the waters from these 31 States has resulted in the destruction of the east-bank lands in these counties, and has driven the landowners from their homes and caused the abandonment of said lands for cultivation, and said lands before the inauguration and construction of the levee system by the Government had been successfully and profitably cultivated by the owners thereof for generations; i. e., ever since the settlement of the State of Mississippi along that section of the river, and the city of Natchez (Fort Rosalie), in Adams County, is one of the oldest settlements in the State.

"The east-bank lands in these counties were, before the construction of the Government's levee system, in their natural location, much higher than the lands along and on the west side of the river in the State of Louisiana and of considerable value, while the lands in the State of Louisiana on the west side of the river were not so valuable as agricultural lands, and since the inauguration and construction of the Government's levee system the lands protected by and behind the levee system have become much more valuable and are to-day being successfully and profitably cultivated and are valuable sugar and cotton plantations, while the east-bank lands in these counties have been destroyed and abandoned and have no agricultural value.

"Gentlemen, this is a right serious thing. I need not tell you, Mr. Chairman—because you spent your early days in that neighborhood—that perhaps the very flower of the wealth, culture, and civilization of the State of Mississippi was in and around the town of Natchez, and was illustrated by the planters who lived in this very section. They had the handsomest homes, they had the best cultivated lands, and they had the best system of agriculture of any people in all that country, and that has been totally destroyed for the public benefit, and the public which is benefited by the destruction ought to pay for it.

"I do not know how I could make that situation appear in language as strong and as distressful as is the actual fact.

* * * * * * *

"Here is still another part of this House report that I recommend to you. It reads:

"Notwithstanding the fact that Congress made appropriation to improve the river and to 'prevent destructive floods' the work done in accordance with the plans of the river commission to improve the river caused the east-bank lands in these counties to be subject to 'destructive floods,' and as foretold by the river commission in its annual reports

"I will not read all of this report, which, however, I recommend to the perusal of the members of the committee, and I shall ask the stenographer to have such parts of it as I have lead-penciled on the side put in the hearing as having been referred to by me immediately after what I have read.

"The matter lead-penciled and desired to be inserted is as follows:

"For the last several years the acts of Congress making appropriations for the improvement of the river each year provided for the construction of levees forming the levee system in accordance with the plans of the river commission which was to construct a connected and continuous levee system, the first act of Congress providing for the construction of levees being that of September 19, 1890. Later acts of Congress, however, made appropriations not only for the construction of levees and to improve and give safety and ease to the navigation of the river, but also provided for the improvement of the river in accordance with the plans of the Mississippi River Commission as approved by the Secretary of War, to prevent destructive floods and promote and facilitate trade, commerce, and the Postal Service (see river commission's report, 1905, p. 3). Notwithstanding the fact that the Congress made appropriations to improve the river and to 'prevent destructive floods' the work was done in accordance with the plans of the river commission to improve the river caused the east-bank lands in these counties to be subject to 'destructive floods,' and as foretold by the river commission in its annual reports.

"The flood of 1912, the bulk of which came from north of Cairo, Ill., being confined between the levees on both sides of the river composing the levee system, was too large to be contained within this limited space and overtopped the levees in places, causing great damage and suffering to the landowners and their tenants behind and protected by said levees and owning and living on land which the construction of the levee system had made very valuable. The Congress came to the relief of these flood sufferers of 1912 and appropriated $1,500,000 to care for and protect them and their property. Not one foot of land in these counties along this section of the river on the east bank has in any way been benefited by the construction of the levee system, but, on the other hand, has been destroyed. The appropriation of $1,500,000 for the relief of the flood sufferers of 1912 was not for the benefit of those east-bank citizens, but was for the benefit and relief of citizens owning and living on land behind the levees. Maj. Normoyle, of the United States Army, in his report of the disbursement of this relief fund appropriated by Congress, refers to these east-bank lands as 'abandoned lands.' Maj. Normoyle's report is published as House Document 1453, Sixty-second Congress, third session, and the map accompanying it shows the overflowed territory in the locality of the east-bank lands in which he operated for the relief of the 1912 flood sufferers to be west of the river, and behind the levees on that side of the river, and this notwithstanding the fact that all east-bank lands west of the foothills were overflowed. The reason for this is easily explained. The landowners and the tenants of the east-bank lands had been theretofore driven from their lands and homes, and said lands abandoned by them as a result of the construction of the levee system.

"Another view of this matter and the change effected by the construction of the levee system can be obtained by referring to the fact that before the construction of the levee system the high waters of the river periodically flowed over 29,790 square miles and had a free flow from Cairo without continuous obstruction on either side of the river to the Gulf of Mexico. Since the construction of the levee system 26,569 square miles are protected by the levees composing said levee system. In other words, before the construction of the levee system the high waters flowed over 29,790 square miles of territory, and since the construction of said levee system the high waters are obstructed and compelled to flow over a territory of only 3,221 square miles, showing that the high waters are now compelled to flow over a territory approximately one-tenth as large as that over which it flowed before being obstructed and diverted by levee construction. Instead of flowing as formerly over this large territory in a thin sheet, the high waters are now compelled to flow over a smaller territory in a much thicker sheet, or to a greater depth, and the space being only one-tenth ar large the lands lying adjacent to the river where no levees have been constructed are flooded much more frequently than before levee construction, for the reason that it requires less water to flow them, and the construction of levees on both sides of the river—north of their lands and on the west side of the river in front of their lands—brings more water down the main channel than flowed there formerly.

"In order to secure relief at the hands of Congress numerous citizens in these counties owning east-bank lands organized the 'Association for relief to riparian owners of eastern bank of Mississippi River,' of which J. D. Frazier, of Rodney, is president; John F. Jenkins, of Natchez, Miss., secretary; and A. B. Learned, of Natchez, Miss., treasurer. The executive committee of said association consists of two members from each of the five counties, and is as follows: Dr. C. S. Highland and H. C. McCabe for the county of Warren, R. L. Hamilton and J. C. McMartin for the county of Claiborne; Hon. Jeff Truly, a former president of the Supreme Court of the State of Mississippi, and J. D. Frazier for the county of Jefferson; A. B. Learned and J. S. Chambliss for the county of Adams, and John F. Jenkins and C. Striker for the county of Wilkinson. Said association prepared a 'memorial and petition to the President and Congress of the United States,' which was presented to Congress on the 11th day of January, 1912, and published at page 893 of the CONGRESSIONAL RECORD for that day.

"As far back as 1894 the Mississippi River Commission, in its annual reports for that year, reported to Congress the damage done to the east-bank lands in these counties by the then partial construction of the levee system, and also informed Congress that 'it is not to be doubted that an immediate effect of the confinement of the flood discharge of the Mississippi River by levees is to raise the high-water plane' and that it 'will have the effect in increasing degree as the system approaches completion,' and in the same report further stated that 'it must be recognized that the result will be to inflict some, and perhaps great, hardships upon the owners of lands in the unprotected areas described'; that is, on the east bank in these counties, and said commission in the same report for 1894, after submitting the facts fully to Congress, made 'request that it may receive the early attention which its importance merits' at the hands of Congress, all of which is set out in the commission's report for that year, pages 2713–2715, and printed on page 9 of said House Document 1010, Sixty-second Congress, third session.

"As stated by the Mississippi River Commission in its report for 1910, 'the situation (of these east-bank citizens) is pathetic and distressing in the highest degree. That these people should be condemned to perpetual inundation without possibility of relief or redress for the sake of an improvement from which their fellow citizens are enjoying great benefits is intolerable to any man's sense of justice,' and 'the lives of the landowners are passing away and hope deferred is making their hearts sick.'

"The Mississippi River Commission has recommended that the Government take title to said east bank lands in these counties, and if the relief which these east-bank citizens seek is given to them by Congress as set forth in said bill, the Government, under recent court decisions, becomes the riparian owner of the east-bank lands when the east-bank citizens are compensated for them. These east-bank citizens are not seeking a gratuity at the hands of Congress, but the Government will, when compensating said landowners for their property destroyed, receive in return the title to said lands, and, in fact, has had the use of said lands for several years. The construction of the levee system, as said by Senator WILLIAMS on the floor of the Senate February 21, 1913, 'virtually made their lands a part of the channel of the Mississippi River' and 'virtually condemned for public purpose without compensation some of the fairest plantations which ever existed in that country.'

"The claims of the landowners in these counties are those referred to by Senator GALLINGER on the floor of the Senate January 16, 1914, when he said, 'I am inclined to think those people have a pretty good claim.' (CONGRESSIONAL RECORD, Jan. 16, 1914.)

"The lands in these counties are the same lands referred to by Senator CHAMBERLAIN on the floor of the Senate January 22, 1914, when he said:

"'Ruined, Mr. President, if you please, because Congress had appropriated money to improve the navigation of the Mississippi River, and these improvements resulted in changing the channel of the river and washing out the lands on the opposite side.

* * * * * * *

"'I happen to know something about it. I was born in Mississippi. * * * I have walked along the levees, if you please, and seen that those levees have changed the channel of the Mississippi River and washed out the lands on the other side.' (CONGRESSIONAL RECORD for that day, p. 2176.)

"The United States Court of Claims was created and given certain general jurisdiction for the relief of citizens and 'to afford assistance and relief to Congress and the executive departments in the investigation of claims and demands against the Government,' and ever since it was created Congress has from time to time frequently given it additional jurisdiction in special cases to further relieve Congress or an executive department and at the same time give relief to citizens who had grievances against the Government and who under the first amendment to the Constitution are guaranteed the right to petition the Congress for the redress of their grievances.

"Precedents for giving the Court of Claims additional jurisdiction in special cases are numerous, and some of them will be found in the Statutes at Large, as follows: 18 Statutes at Large, pages 506, 507; 25 Statutes at Large, page 1010.

"I notice that my colleague, Senator VARDAMAN, said that the 'question before the committee is an amendment to this bill introduced by Mr. WILLIAMS, which provides that the Federal Government shall reimburse, take over, pay to the people owning land on the east bank of the Mississippi River from Brunswick, Miss., to Bayou Sara, La.' That is not quite an accurate statement of it. It provides only for taking over and paying the full value of the land in cases where the entire tract has been totally destroyed and subjected to annual overflow and where the court shall determine that there has been such a total destruction. It is only in such cases that the land is taken over and the title given to the Government. In cases where there has been partial damage, of course the court will find only partial damage and there will be only a partial payment.

"I want to call to your attention, to refresh your memories, to what Capt. Jenkins told you—that most of these lands were lands that came to these people by inheritance. They were not sold and bought recently with the idea of speculating upon the Government. There is nothing of that sort in this. These lands are inherited lands. When that part of Mississippi was first settled it was settled by people coming up the river from Louisiana, from New Orleans, and by people coming down the river from French settlements near St. Louis, and then some people trekking across the wilderness about the time of the Revolution. Some of these lands that have been thus destroyed, Mr. Chairman, have been in the ownership of the same family and in constant cultivation 100 years and more; some of them have been in the ownership of the present families since before the Spanish cloud upon the title of that Natchez district was dissipated and before it became indisputably United States territory. These people, their lares and penates, and all that, have been sacrificed for the public good, and the public has received benefits—I have received benefits; you, Mr. RANSDELL, have received the benefits of that sacrifice; not only your and my constituents, but in our two cases we ourselves personally—and yet we are to be told that merely because those who were sacrificed for our benefit have no legal right enforceable in a court, because of the technical point of its being 'consequential damages' against the Government exercising its sovereign power of improvement of navigation, that therefore they are to receive no redress at all.

"What would a man say about an argument of that sort used in connection with a man who had been damaged in the public service, crippled by machinery belonging to the Government, if it had been used about that woman down here in the Census Office who had her scalp torn off by the Government machinery? She had no enforceable legal right. Nobody was absurd enough to suppose she had, and yet Congress very properly took the position that, being engaged in work for the benefit of the public and being injured as a consequence of that performance of

work, she was entitled to damages in the court of justice and ethics and fair play. Now, of course, nobody is permitted to sue a Government except upon conditions set forth and prescribed by the Government itself—upon an express grant by the Government of the right to sue. There is no statute of the United States which gives my left-bank people in this distressful condition a right to sue the Government. Do not let that bother you. If you will read the decision of Judge White in the Jackson and Hughes cases, you will see it went off merely upon the point that there was no enforceable right in a court of justice. There could not be any except by a statute. That is all that these cases decide, and they ought not to prejudice this case in the slightest degree. The relief ought to go as a provision upon the rivers and harbors bill, so that the same bill which metes out the benefit to the inhabitants of the valley in the shape of improvement and protection of their lands shall be charged with the payments to those who incidentally were damaged by the benefits thus conferred upon all.

"That is about all I wanted to say, and if there are any questions that Senators want to ask me, I shall try to answer them, if I know how. If there is any difficulty in any of your minds further than those I have mentioned, which I have tried to obviate, I shall be glad to address myself to that.

"The ACTING CHAIRMAN. I think you have gone into it quite fully, Senator, with what we had before.

"Senator WILLIAMS. I am much obliged to you. I wish you would do me the personal favor of calling the attention of each of the absent members of the committee to this and ask them to please read it; that it is a matter of a good deal of importance to these people."

Mr. WILLIAMS. Here follows a letter written by me to Senator BURTON to clear up certain further points:

UNITED STATES SENATE,
COMMITTEE TO AUDIT AND CONTROL THE
CONTINGENT EXPENSES OF THE SENATE,
May 25, 1914.

Hon. THEODORE E. BURTON,
United States Senate.

MY DEAR SENATOR: You requested me to get a memorandum showing possible amounts that might be given by the court in compensation for damages under my bill, and I inclose the same herewith. (See "A.")

There seems to be in your mind and in the minds of some of the other committeemen an idea that all these areas, including the whole 884,000 acres of land, are to be paid for as totally destroyed; also an idea that $30 an acre for cleared land, which I fix as the maximum, would be a fair or the expected price for all the cleared lands within the area; also that $5 an acre for woodland or unimproved land, as I have fixed as the maximum for it, would be a guide for all lands of that character and area.

This is very far from being the fact. In many places only a fourth, in some places only a half, and in some places only two-thirds of a holding has gone to permanent inundation. In some few cases the whole place has gone that way. The lands between the Mississippi River and the Walnut Ridge down below Vicksburg, just like the lands between the Yazoo River and the Walnut Ridge, north of the mouth, vary very much in value, more than in any other part of the Delta. They run from the very highest character of rich alluvium—6, 7, 10 feet deep—to lands which have had sand and gravel from the hills washed over them by the freshets. While $30 would be a maximum for the best of these lands, some of them would not be worth over $8, and never were worth over $8, and no court would find that they were. In between these two figures they would vary.

Many of these places were composed, and while the planter could get the land they were preferably composed of part rich valley land and part foothill land, upon the former of which cotton or corn were raised and upon the latter of which cabins and gins were built and pastures held.

The same variation takes place as regards the wooded lands, some of them being in cottonwood and willow and commercially, therefore, worth very little; some are in hardwood, which constant overflow destroys. These lands were worth varying sums at the time this unfortunate condition came into full play.

I am the owner of land up about Satartia, on the east bank of the Yazoo River and between the river and the hills, and I know this sort of country intimately. Some of it is worth nothing, except to let Bermuda grass grow on it for pasture, though some of the land is worth much more now than it was when this injury took place, because the people in that country are going much more into cattle raising. But the greater part of the lands like those have not been touched by the water, and not only would there be no reimbursement for their value but no damage to them at all.

Of course no man can see in advance what would be the sum total of the judgments of courts in case this jurisdiction were conferred; but any man with any experience with matters of this sort knows that when a limited time is fixed wherein suit must be brought a great many landowners for very many reasons, some of a set purpose partially because they have other things in view, and some through carelessness, never file any claims at all. It has been suggested to me that in some cases of this sort only 25 per cent of possible claims have been filed. But, of course, all that is mere guesswork, though it be guesswork founded upon observation of past happenings of like character.

I fix those maximum prices because that was what I would have *sold my lands* between the Yazoo and the foot ridges at about the time that I would apply the valuation; that is, in the early nineties. Land is worth more now, but I value its taking it then. The levee question has had no bearing upon my land to which I referred. I am not a claimant in any sense, and have not any lands on the Mississippi River. I can not even assume that all the cleared land of the Natchez area has been totally destroyed, nor absolutely all of it has been damaged even, and very much of the uncleared land is worth just as much as it was ever worth for the cottonwoods and willows upon it, and this is the part which the Government would want for use and would pay what it could buy other like lands for elsewhere. It is to be also kept in mind that the judgments of the courts would be paid as rendered, and not all at once.

The rule of assessment of land in my immediate section is three-fourths of the actual value, although, of course, their assessment laws will not be always strictly carried out. If every acre, therefore, of the cleared land was counted as highly improved land and $30 compensation paid for it, and every acre of woodland or unimproved land was paid for in the maximum of $5 an acre, by adding one-fourth to the sum of $2,974,114 you can get the total possible judgments for taking and damage—this upon the assumption that everybody brought suit and every acre was paid for at the maximum. I do not suppose if the court did its duty properly it would render judgment for one-third of the cleared lands at the maximum as being totally destroyed and worth full value, and not for over one-half of the other lands at their maximum.

However, I repeat, this is only guessing and your guess is as good as mine. It is hardly what a southerner would "reckon" on; I would have to do like the people north of the line and just "guess."

I am sorry I can not give you any more definite data, but I know you will see readily that it is impossible for me to do it with any degree of intellectual integrity. I am, with every expression of regard,

Very truly, yours,

JOHN SHARP WILLIAMS.

P. S.—There is another matter to which I wish you would likewise call Senator RANSDELL'S attention: In reading over my hearing in the argument in which I sought to show that the local districts and the United States Government had already been paid according to their savings on levee construction, I referred to levees costing half a million dollars.

I must have had in my mind the computation which I made at the time I introduced the bill for building levees in a certain restricted area. In that bill I named $350,000, and then I roughly calculated in my mind at the hearing that a subsequent extension of the line in that immediate neighborhood would bring it up to half a million.

It seems evident now from reading it that Senator RANSDELL had in his mind the construction of levees all down the whole stretch, including the lands to which Senator SHIELDS refers, and the lands to which he himself referred, and the lands in my original bill, and the lands in my extended line. I am informed, though I have not time to look into it, that Document 1010, referred to above, states that all those levees would cost $5,000,000. That, even, is rather a maximum statement, but I want to take the maximum statement so that my argument will be fair. In other words, the United States Government and the different levee districts have saved $5,000,000 by adopting the Walnut Ridge as a levee instead of erecting levees, and my argument holds good that the levee districts if those levees had been erected would have been compelled to pay their proportionate share, and that they have therefore already received their proportionate benefit and will hereafter, no matter what amount is paid out as compensation for these lands, be compelled to bear their proportionate share of the expense automatically, not by law, but because they pay their proportionate share of every rivers and harbors bill.

My answer to Senator RANSDELL'S question was a weakening of my own argument.

Very truly, yours, JOHN SHARP WILLIAMS.

A.

Memorandum showing acreage and land values as given by House Document 1010, Sixty-second Congress, third session.

	Cleared.	Swamp or wood.	Assessed valuation.
	Acres.	*Acres.*	
Brunswick-Vicksburg	142,104	537,211	$2,306,246
Vicksburg-Grand Gulf	2,930	18,024	56,000
Grand Gulf-Rodney	2,163	12,337	16,325
Rodney-Coles Creek	4,294	12,345	57,900
Coles Creek-Natchez	.....	13,048	44,848
Natchez-Ellis Cliffs	3,800	12,737	86,865
Ellis Cliffs-Fort Adams	9,781	49,631	204,739
Fort Adams-Tunica	12,838	1,103	56,822
Tunica-Bayou Sara	3,000	30,143	112,687
Bayou Sara-Baton Rouge	1,920	16,320	31,682
	182,830	702,899	2,974,114

House Document 1010 fixes the assessed value of this land at $2,974,114. The general rule of assessing land throughout the country is to assess it at three-fourths its actual or market value.

Mr. WILLIAMS. Before I take my seat I express the hope that the amendment offered will be accepted.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Mississippi [Mr. VARDAMAN].

Mr. VARDAMAN. I ask for the yeas and nays, Mr. President.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Wyoming [Mr. WARREN], which I transfer to the Senator from Nevada [Mr. NEWLANDS], and vote "nay."

Mr. GOFF (when his name was called). Transferring my pair with the senior Senator from South Carolina [Mr. TILLMAN] to the junior Senator from Wisconsin [Mr. STEPHENSON], I vote "nay."

Mr. JOHNSON (when his name was called). I wish to announce my pair with the junior Senator from North Dakota [Mr. GRONNA] and the transfer of that pair to the junior Senator from New Jersey [Mr. HUGHES]. I vote "nay."

Mr. ROOT (when his name was called). I have a general pair with the Senator from Colorado [Mr. THOMAS]. I transfer that pair to the Senator from Connecticut [Mr. BRANDEGEE], and vote "nay."

Mr. WILLIAMS (when his name was called). I have a standing pair with the senior Senator from Pennsylvania [Mr. PENROSE]: but I understand that if he were present he would vote with me upon this proposition. That being the case, I will take the liberty of voting. I vote "yea."

The roll call was concluded.

Mr. LEA of Tennessee. I desire to announce the necessary absence of the junior Senator from Kentucky [Mr. CAMDEN], on account of illness.

Mr. PAGE. I desire to announce the necessary absence of my colleague [Mr. DILLINGHAM], and to state that he is paired with the senior Senator from Maryland [Mr. SMITH]. I should like to have this announcement stand for the day.

Mr. CHAMBERLAIN (after having voted in the affirmative). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I withdraw my vote.

Mr. SMITH of Maryland (after having voted in the negative). I failed to state that I have a pair with the Senator from Vermont [Mr. DILLINGHAM]. However, I transfer that pair to the Senator from Virginia [Mr. MARTIN], and will let my vote stand.

Mr. STONE. I transfer my pair with the Senator from Wyoming [Mr. CLARK] to the Senator from Indiana [Mr. SHIVELY] and vote "yea."

Mr. SMOOT. I am requested to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from New Hampshire [Mr. HOLLIS];

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY];

The Senator from New Hampshire [Mr. GALLINGER] with the Senator from New York [Mr. O'GORMAN];

The Senator from Rhode Island [Mr. LIPPITT] with the Senator from Montana [Mr. WALSH];

The Senator from Utah [Mr. SUTHERLAND] with the Senator from Arkansas [Mr. CLARKE]; and

The Senator from Massachusetts [Mr. WEEKS] with the Senator from Kentucky [Mr. JAMES].

Mr. SHAFROTH. I desire to announce the absence of my colleague [Mr. THOMAS], by leave of the Senate, and to state that he is paired with the senior Senator from New York [Mr. ROOT].

Mr. PERKINS (after having voted in the negative). I inquire if the Senator from North Carolina [Mr. OVERMAN] has voted?

The VICE PRESIDENT. The Chair is informed that he has not voted.

Mr. PERKINS. I have a general pair with that Senator, which I transfer to my colleague [Mr. WORKS] and will permit my vote to stand.

The result was announced—yeas 17, nays 32, as follows:

YEAS—17.

Clapp	McCumber	Reed	Vardaman
Kenyon	Myers	Sheppard	Williams
Lea, Tenn.	Pittman	Shields	
Lee, Md.	Poindexter	Stone	
Lewis	Ransdell	Townsend	

NAYS—32.

Ashurst	Goff	Page	Smith, Md.
Bankhead	Gore	Perkins	Smith, S. C.
Borah	Johnson	Pomerene	Smoot
Brady	Jones	Root	Sterling
Bryan	Kern	Shafroth	Thompson
Burton	Lane	Simmons	Thornton
Crawford	McLean	Smith, Ariz.	West
Fletcher	Norris	Smith, Ga.	White

NOT VOTING—47.

Brandegee	Dillingham	Martin, Va.	Shively
Bristow	du Pont	Martine, N. J.	Smith, Mich.
Burleigh	Fall	Nelson	Stephenson
Camden	Gallinger	Newlands	Sutherland
Catron	Gronna	O'Gorman	Swanson
Chamberlain	Hitchcock	Oliver	Thomas
Chilton	Hollis	Overman	Tillman
Clark, Wyo.	Hughes	Owen	Walsh
Clarke, Ark.	James	Penrose	Warren
Colt	La Follette	Robinson	Weeks
Culberson	Lippitt	Saulsbury	Works
Cummins	Lodge	Sherman	

So Mr. VARDAMAN'S amendment was rejected.

Mr. LEA of Tennessee. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to insert, after the word "authorized," in line 8, the following:

Or heretofore favorably recommended by the Chief of Engineers and included in H. R. 13811 as said bill passed the House of Representatives.

Mr. LEA of Tennessee. Mr. President, I have but little hope that the amendment which I have offered will be adopted. The temper of the Senate is such that I feel sure it will not be adopted. The Senate has not yet recovered from the fright of the filibuster. I want, however, to make complete the record of yesterday of delegating to a board the powers conferred upon Congress by the Constitution, a power which we ought to exercise ourselves, and to complete the record of our confession of being unable to legislate intelligently upon this subject.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Tennessee.

Mr. SIMMONS. Mr. President, I simply want to say that the effect of this amendment would be to adopt all of the new projects which were contained in the substitute reported to the Senate.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

The VICE PRESIDENT. The question now is on the adoption of the amendment in the nature of a substitute for the bill as recommended by the committee.

The amendment was agreed to.

Mr. SIMMONS. Mr. President, there are a few matters that I want to read into the RECORD before the final vote is taken upon the bill.

The VICE PRESIDENT. The bill is still before the Senate as in Committee of the Whole.

Mr. SIMMONS. Very well. I will wait until the bill shall have been reported to the Senate.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. SIMMONS. Mr. President, I am one of those who believe that the Government of the United State should pursue a more liberal and a broader policy with reference to the improvement of our waterways than it has heretofore pursued, and I wish before this debate closes briefly to give my reasons for believing that the policy heretofore pursued has been both narrow and shortsighted.

Of the three methods of transportation, namely, roads, waterways, and railways, it goes without saying that water transportation is by far the cheapest, and with respect to a certain class of products is nearly, if not quite, as expeditious.

I have in my hand a pamphlet prepared by Mr. S. A. Thompson, who has given much study to the subject of transportation, showing the relative cost in this country of transportation by rail and by water. It is stated in this pamphlet—and I think the figures given are reliable—that the average rate received by the railroads of the United States in 1907 was 7.82 mills per ton-mile, while the average rate per ton-mile on goods carried into and out of Lake Superior in that year was eight-tenths of 1 mill. This pamphlet says:

We have yet no completely improved rivers, but the Army Engineers say that when the work now under way on the Ohio River is finished transportation can be conducted thereon for one-half of 1 mill per ton-mile.

It is evident from these figures that the failure to utilize our waterways to the fullest extent as mediums of transportation in the assembling and distribution of the products of the farm, the factory, the mines, and the forest is a fearful economic waste, and puts the American producer, whether farmer or manufacturer, at a disadvantage in the sale of his products in competition with foreign producers both at home and abroad.

To my mind there is nothing of more vital importance in connection with our industrial situation and our future progress and prosperity than the improvement and development of our magnificent system of inland waterways and the adoption of a national policy which will lead to their utilization.

It is said that we have already spent large sums of money on our rivers and that there has been no increase, but a falling off, of river-borne commerce.

Mr. President, it is true that, compared with the amount of business done upon our rivers before the development of our splendid railway system, there has been a falling off in that commerce. A part of it has been absorbed by the railroads, as was natural, and another part, as I shall show later, has been deliberately stifled by the railroads. But it is not true that, compared with the magnitude of the work, compared with the

total mileage of our interior waterways which have been and are now under Government improvement, the sum expended in the aggregate has been large. On the contrary, if you will take the average amount annually expended upon these rivers, its smallness and insufficiency, considering the magnitude of the undertaking, is apparent.

We do not have to go far to find the reason why our river commerce has not developed along with our commerce by rail. It is due to two facts: First, because we have not put our rivers in suitable condition by properly improving their channels and by requiring the railroads with which they connect to provide physical connection with them and to accord to them the use of their terminal and dock facilities. Secondly, because under the law as interpreted the railroads have been given a free hand to destroy water commerce, and they have not failed to take advantage of the opportunity thus afforded.

Now, with respect to the manner in which we have improved our rivers and harbors, in the first place, under the policy which has heretofore obtained, the amount expended for this purpose has been too small for effective work. Take the period when the Senator from Ohio [Mr. BURTON] was chairman of the Committee on Rivers and Harbors of the House, beginning with 1899, up to 1909, inclusive, when the average annual appropriation for maintenance and construction work for both rivers and harbors was only about $21,000,000. Deduct from this the amount necessary for maintenance and for work upon harbors and it will be seen what a small amount was left for constructive river improvement work. When you consider the fact that during this period there was something around 25,000 miles of inland waterway under Government improvement, the sum seems pitiably inadequate.

I have not the figures to show how much of this $21,000,000 was spent for maintenance of rivers and harbors. It is certain that a very considerable amount was used for this purpose; but if the whole of it had been used on our rivers, it was less than a million dollars to a thousand miles of waterway.

We have spent more upon our rivers since we have adopted the policy of annual appropriations, and if this policy is adhered to and the amount appropriated is sufficient to do the work expeditiously, to save the waste of disorganization, reorganization, and deterioration, when work is suspended even for a short time on account of lack of funds, we will in a reasonable lapse of time be able to put the channels of our rivers in fairly good condition.

In connection with the improvement of our rivers so as to make them serviceable as means of transportation in competition with rail transportation, we must consider the fact that the conditions of successful water transportation have radically changed from what they formerly were. The river steamboat of olden times has, except in purely local traffic, become obsolete. It is not sufficiently economical to meet the requirements of competition. Modern conditions require, in water transportation as in rail transportation, the adoption of the most economic methods, and the most economic vehicle of river commerce is the barge—not one barge, but a train of barges—pulled by one powerful tug.

Germany, probably, of all countries of the world has developed its water transportation to the highest state of perfection. Her rivers are not deep, but their channels are in good condition. Her terminal facilities and physical railroad connection at stopping points are of the best. If you will go to that country and visit the Rhine you will see that stream full of barges, from ten to twelve hundred tons capacity each, six, eight, and even more of them linked together and drawn up and down the river with one powerful tug, with perfect arrangements for loading and unloading, and with economic physical connection with the railroads which receive their cargoes and distribute them into the interior. If our waterways are to become as efficient for the needs of cheap transportation as they have become in Germany, we have got to put the channels of our rivers in condition for this kind of traffic, and in addition there must be adequate terminal facilities and rail connection.

Our failure to take thought of these things and to provide for them accounts in part for the backwardness of water transportation in this country.

I repeat, Mr. President, that one of the reasons why our efforts in the direction of waterway improvement has met with so little success, why our river improvement work has advanced so slowly, why our water commerce has not increased but has actually decreased, notwithstanding the large aggregate sums we have appropriated for our rivers, is the dribbling policy which we have adopted in appropriating money for this purpose; and I repeat that nobody is more responsible for this dribbling policy than the Senator from Ohio, who, during the 11 years that he was chairman of the Rivers and Harbors Committee of the House and, as everybody knows, was the dominant influence upon that committee, adopted a policy by which there was appropriated for this great work, including the harbors upon our enormous coast line, including our great lake system, sound system, and river system stretching over a country generally well watered, 3,000 miles in width and nearly 2,000 miles in length, the pitiable sum of $21,000,000 per year, and who has, ever since he ceased to be chairman of that committee, opposed the annual bill system under which we have in recent years appropriated on an average probably double that amount, basing his criticism upon the amount expended and fortifying his argument with suggestions and intimations that the day of inland water transportation in competition with railroads was passed.

Mr. BURTON. Mr. President, will the Senator from North Carolina yield to me for a question?

Mr. SIMMONS. Yes.

Mr. BURTON. As I understand, the Senator criticizes the policy pursued at a time when I was a member of the House Committee on Rivers and Harbors, and maintains that the appropriations made for the rivers were too meager.

Mr. SIMMONS. When the Senator was chairman of the committee.

Mr. BURTON. When I was chairman, from 1899 or 1898.

Mr. STONE. The Senator means when the Senator from Ohio *was* the Committee on Rivers and Harbors.

Mr. BURTON. The Senator from Missouri compliments me overmuch.

I should like to ask the Senator from North Carolina if it is not true that in those days of moderate appropriations—too small appropriations, he says—the traffic on practically every river in the country, including the Mississippi, the Ohio, the Monongahela, the Penobscot, the Kennebec, the Connecticut, and the rivers in the South and West, was not very materially larger than it is now, after the large appropriations that were made beginning in 1910?

Mr. SIMMONS. That is another question. I am not discussing that at this time. I will get to that a little bit later.

Mr. BURTON. Now, if it is true that the traffic was twice as great in the period stated, from 1899 to 1907, as it has been from 1910, when larger appropriations commenced, to 1914, is it not a very significant fact and does it not tend to show that the causes for the decadence in river traffic were something else than paucity of appropriations?

Mr. SIMMONS. I will say to the Senator that I intend a little later to discuss somewhat in detail the phase of the subject raised by his question. I shall then attempt to answer his question fully. In a general way I will say to the Senator now that the reason that there was more traffic upon some of our rivers during the period he mentions than there is now was in a large part because the railroads had not at that time succeeded in stifling water transportation to the extent that they have in recent years. If our waterways were improved even to a higher standard than they are, if they were in every way fitted for the employment of the most economic methods of water transportation, it would still be in the power of the railroads, if unrestricted by legislation, to make them of comparatively little value by the same methods by which they were able to accomplish that result in the past. I will later undertake to point out the remedy—or at least a remedy—for that condition.

Mr. WILLIAMS. Mr. President, will the Senator from North Carolina permit an interruption just there for one moment?

Mr. SIMMONS. Yes.

Mr. WILLIAMS. I want to suggest to him this idea: The reason why our streams have not carried the tonnage and the commerce of this country is because of two or three little words in the legislation of the country.

Mr. SIMMONS. I shall get to that a little bit later, if the Senator will permit me.

Mr. WILLIAMS. Those little words are "under similar circumstances." Does the Senator prefer that I shall not interrupt him?

Mr. SIMMONS. No, not at all; but I said I expected to get to that in a few minutes. I have not been inadvertent to the point the Senator was making, and I merely meant to indicate to him that I would prefer to discuss it later in my remarks.

Mr. WILLIAMS. I have interrupted the Senator just far enough to leave myself unintelligible either to the Senator or to the country.

Mr. SIMMONS. I shall be very glad to have the Senator proceed.

Mr. WILLIAMS. The Senator a moment ago dwelt upon what is taking place upon the Rhine. The Rhine is carrying all the heavy commerce—iron ore, coal, lumber, and things of

that sort—but that is because the German law does not permit a railroad to charge any more for a short haul than for a long one, whether under similar circumstances or not. Now, our courts have construed those three little words to mean that the railroads have a right to meet water competition without reducing their intermediate freight rates at all, and the consequence is that we have congested the railway transportation of the country, and instead of the railroads carrying the things that they ought to carry and leaving the streams to carry the things which they can carry most cheaply and best, the railroads are carrying them all. The railroad makes a cotton rate from Memphis to New Orleans which makes it impossible for the steamboat to carry cotton, and yet on the entire route, through the town of Jackson and all the other towns, it charges a rate absolutely higher than the one from Memphis to New Orleans.

I simply wanted to illustrate that, and I thank the Senator for permitting me to do it. That is all the trouble. If you will repeal those three little words, you will have the commerce upon the Mississippi River and everywhere else just as it used to be, only multiplied tenfold. Do not permit a railroad to recoup, at the expense of intermediate freighters, its reduction in competition with water below the cost of carriage.

Mr. SHAFROTH. Mr. President, I will state to the Senator that I have a bill which prevents a railroad from charging under any circumstances a greater amount for a short haul than for a long haul, and I hope he will assist me in getting it through.

Mr. SIMMONS. Mr. President, I thank the Senator from Mississippi for his interruption. What he suggests is very pertinent.

I had intended to take up the question raised by the Senator a little later as another branch of my argument, but perhaps it is just as well to discuss it now in view of the fact that the Senator has so forcibly and pointedly called this phase of this general subject to the attention of the Senate. I will therefore invite the attention of the Senate now to the second reason why we have not obtained expected results from expenditures we have heretofore made upon our inland waterways and why the commerce upon these rivers has decreased with the development of our railroad system.

I am not an enemy of the railroads. They have been among the chief agencies through which we have developed our wonderful resources and attained in a comparatively short time our condition of material greatness, prosperity, and power. They have prospered, and the country has prospered with them. But undoubtedly they have been allowed in this country a license which they have not enjoyed anywhere else in the world; in many respects they have been given a free hand, and in many respects they have abused the privileges and licenses accorded them, greatly to the detriment of the general public, and in no particular more so than in the methods and devices by which they have largely stifled the commerce of our inland waterways.

I do not think it necessary to take the time of the Senate to elaborate the proposition that the chief reason why our water commerce has not developed alongside of our rail commerce has been the ability of the railroads to stifle competition through methods and devices so familiar to the public that it is not necessary for me to recite them.

Of course the railroads of this country, being privately owned institutions, are in the business of transportation for the purpose of making money, and it is perfectly natural, if allowed to do so under the law, they should seek by such methods as are available and not illegal to suppress cheaper methods of transportation as far as possible.

Unfortunately under the laws as construed until recently they have been to a large extent unrestrained in this particular. They were permitted to operate water carriers which if operated by others would be in competition with them. They have been permitted to make lower rates at points of water competition than at other points along their routes, although the haul might be greater. This has enabled them to largely control transportation by water as well as by rail and to establish such conditions as have made the use of our waterways by competitors too risky to be an inviting field of investment to private capital.

Mr. President, if we had not found a partial remedy, for it is only a partial remedy, to put an end to these methods of nullifying to so large an extent our efforts to rehabilitate our inland water commerce and make it an effective and profitable vehicle for the transportation of the heavier and bulkier products of the farm, the factory, the mine, and the forest, in the interest of cheaper cost of production, I would, as it seems the Senator from Ohio [Mr. BURTON] has done, entertain strong misgivings of our ultimate success in this behalf. But we have discovered what I believe will accomplish much in remedying this condition, and we have applied it in the amendments made in conference to the Panama Canal act. Through these amendments Congress provided for the divorcement of the railroads from water transportation, and provided for terminal and dock facilities and physical connection with the railroads at water points. This in itself will not release the grip of the railroads upon water commerce, because, as the Senator from Mississippi has said, there still remains the right of the railroads, under the law as construed by the courts, in order to meet water competition to charge a lesser rate at water points for a longer than for a shorter haul, and this has given the railroads the right to meet water competition without reducing their intermediate rates at all, with the result, as the Senator correctly says, instead of the railroads carrying the things they ought to carry, and leaving to the streams the things which they can most generally and best carry, the railroads are carrying nearly everything. At these points of water competition the railroads make their rates as low as possible, and where the rate is a losing one or does not allow adequate profits they recoup the losses thus sustained by a higher rate in the interior. The result is water competition is suppressed and the people at large pay the cost.

Senators sometimes say, "There are no rivers in my State; my constituents therefore are not directly interested in river improvement." That is a mistake, as the situation which I have just pointed out shows; because it is clear that as long as the railroads are permitted to charge lesser rates at water points and recoup themselves by higher rates at interior points the burden falls largely upon those who do not live on or even near the water.

I can not better illustrate than by quoting the situation given by the report prepared by the Inland Waterways Commission. It says:

> The opening in 1883 of the Louisville, New Orleans & Texas Railroad, now known as the Yazoo & Mississippi Valley Railroad, an Illinois Central property, went far toward accomplishing the downfall of steamboat traffic on the lower Mississippi. The railroad paralleled the river from Memphis to New Orleans, reaching all the important towns on the east bank of the river. * * * From river competitive points, such as Vicksburg, the rail rate dropped as low as 45 or 50 cents per bale—

Speaking of cotton—

> to New Orleans, while from points back from the river, such as Rolling Fork, Miss., about 40 miles from Vicksburg and 10 from the river, the railroad recouped itself by charging $1 to $2 per bale.

This condition is intolerable. It ought not to be allowed to continue. The remedy, to my mind, is easy. The Interstate Commerce Commission should have control of water transportation as well as rail transportation, and if necessary it should be allowed to regulate the minimum railroad rates at points of water competition as well as the maximum charge at other points.

Mr. President, we hear a great deal of talk about economic wastefulness. To my mind the greatest economic waste that is going on in this country to-day grows out of our failure to provide by legislation for the improvement and utilization of our waterways for the transportation of the heavier and bulkier products of the forest, the field, the mine, and the factory, just as Germany has done, just as certain other great industrial nations have done. The dearer method of transportation, where the cheaper method of transportation is equally available, is an economic waste which affects not only the price of production and distribution but increases the cost of living and diminishes our ability as a nation to compete with the outside world, not only in the markets of the world but in those of our own country.

Mr. President, no country in this world has appreciated the relative advantages of water transportation to the extent that Germany has, and what she has done in this behalf is the very foundation stone of the marvelous prosperity and ascendancy which Germany has acquired in recent years in the industrial and commercial world. I want to read a short extract showing what Germany has done for its commerce during recent years—I am reading now, Mr. President, from the New International Encyclopedia:

> The rivers of Germany are naturally navigable for nearly 6,000 miles—

About one-fourth as much as we have—

> are canalized for nearly 1,400 miles—

That is, by a process of canalization the German people have extended their navigable rivers from 6,000 to 7,400 miles—

> and there are nearly 1,500 miles of canals.

That little country, not larger than the State of Texas, not so large in area, not any better watered than this country, canalized at public expense 1,400 miles of its rivers, connecting

those rivers with one another by canals 1,500 miles in the aggregate in length.

Among the most important of the canals are the Ludwigskanal in Bavaria, uniting the Danube with the Main, and thus supplying continuous waterway from the North Sea to the Black Sea.

Running through Germany in one direction is the Rhine, emptying into the North Sea. Running through Germany in another direction is the Danube, emptying into the Black Sea. They do not come together, but Germany wanted an inland water route through the whole of its Empire and it built a canal connecting the upper reaches of the Danube with the upper reaches of the Rhine, so as to afford a channel of commerce from the Black Sea on the one side of that great country to the North Sea on the other side. But that is not all:

The system connecting the Memel with the Pregel, that joining the Oder with the Elbe, the Plauen Canal, connecting the Elbe with the Havel—

Just as soon as they had connected by a canal their rivers flowing east and west from the North Sea to the Black Sea, they connected the Oder and the Elbe, the one emptying into the North Sea and the other emptying into the Baltic Sea.

The Elder Canal, connecting the Elder with Kiel; the Rhine-Rhone and the Rhine-Marne, in Alsace-Lorraine; the great Baltic Sea, or Kaiser Wilhelm Canal, begun in 1887 and opened for traffic in 1895, saving two days' time by steamer between Hamburg and all the Baltic ports of Germany; and several canals in process of construction, notably the Rhine-Weser Canal, which is to cost over $60,000,000.

Not satisfied with connecting the Elbe with the Oder, flowing into different seas; not satisfied with connecting the Rhine with the Danube, flowing into different seas, they have connected the Rhine with the Weser, both flowing into the same sea. If you examine her work, Mr. President, you will find that Germany has not only linked her rivers together so as to connect all of them with the different seas, but by this process you will see the Rhine by canalization was first connected with the Black Sea and then by canalization connected with the Baltic Sea. So Germany by these large expenditures has established a network of waterways throughout that Empire connected by artificial channels the one with the other.

Why this? Let me call attention to the fact that Germany began this great work shortly after the war of 1870. Germany had dreams of a greater Empire. Germany had dreams of ascendency upon land and upon sea. Germany wanted to dominate the trade not only of the continent but of the world. How was she to do it? The mind of no race of the human family is more acute or keener in its practical concepts, more analytical or more philosophical than the German mind. This great analytical, philosophical, practical people set to work to prepare for the race that they had set for themselves, a race for empire, a race for trade and industrial ascendency, a race it has run so fast and so successful as to excite and arouse the jealousies of many of the other commercial nations of the world.

How did she start? What was the first fundamental thing that she saw was necessary? She saw that lying at the very foundation as the basis of cheap production and distribution was transportation; transportation in assembling and transportation in distribution. She saw what was a well-recognized fact, that water transportation was infinitely less costly than rail transportation, and she determined to give her people and especially her manufacturers the cheapest transportation that was possible. Hence she entered upon those large projects that have linked the waterways of that country, from sea to sea, with each other in one connected and harmonious system.

But she did not stop there. She did not leave it there, because if she had, with the railroads privately owned as they are in this country, it would have been of no effect. The railroads would have made cheap water transportation impossible by the very same methods by which they have throttled and stifled and smothered waterway competition in this country.

What did Germany do? She not only put her waterways in a condition to give the country the benefit of cheap transportation, but she assumed the ownership of all the railroads, so that she might work out this transportation problem in the way that would bring the best results in behalf of economy in production and distribution.

Now what do you see? You see that the heavier and weightier products of its fields and forests and factories, both raw materials and finished products, are hauled over her waterways. You go to the Rhine—the Senator from Mississippi has referred to that—and you will see railroads paralleling that river on either bank. You will see great freight trains passing hour after hour, some going one way and some going the other way; and if you will look down upon the bosom of the Rhine you will see hundreds of barges, great trains of barges drawn by powerful tugboats, going up the stream and going down the stream—the railroads loaded with commodities they are especially suited to carry, requiring quick transportation, commodities that can be most economically transported by rail, and the barges loaded with the heavy and bulky products, products which can be most economically carried by water.

To effectuate this economical division of traffic Germany adopted a policy which coerced the railroads to confine themselves to the carrying of certain lines of commodities and to leave certain other lines of commodities to be carried by water.

That arrangement in present conditions is not possible in this country without Government ownership of railroads, and I am opposed to that. If we could solve the transportation problem like Germany has solved it, and bring about an economical division between water and rail carriers, it would undoubtedly stop an enormous waste in the cost of production and distribution. But, as I said, we can not solve it in that way without Government ownership, and I do not think the people favor Government ownership. But, Mr. President, let me inquire what is there to prevent us from adopting a legislative policy which would protect water carriers against the unfair and selfish methods by which the railroads have been able to so handicap, harass, and embarrass them that they have been either forced out of business or to continue it under conditions of great disadvantage?

Sir, we prescribe the maximum rate that a railroad may charge for carrying freight, but we allow the railroads to discriminate in rates to meet water competition. The practical effect of the court's construction of that law is to permit, as I said before, a rate at water points that stifles water competition and allows the railroads to recoup their losses from this reduced rate at these points by charging a higher rate at interior points. Viewed from any angle, the people are the losers. Such a system, Mr. President, is absurd, and is an intolerable wrong.

Mr. SHAFROTH. Mr. President, will the Senator yield for an observation?

The PRESIDING OFFICER (Mr. GOFF in the chair). Will the Senator from North Carolina yield to the Senator from Colorado?

Mr. SIMMONS. Yes.

Mr. SHAFROTH. I will state to the Senator that we have had the same condition as between freight from the East to the California seaboard; that we have had a higher rate in parts of our State—for instance, at Grand Junction—so that freight has been shipped to Salt Lake City and from Salt Lake City shipped back. There was a time when it was shipped to San Francisco and shipped back from San Francisco in order to get the benefit of the through rate.

Mr. SIMMONS. I thank the Senator from Colorado for the illustration he has given. Similar illustrations may be found in different parts of the country. The man at the point of water competition gets a lower railroad rate, but as an offset somebody else has to pay a higher railroad rate, and, in addition to this, water transportation is handicapped, demoralized, and its value as a means of transportation either destroyed or greatly minimized.

We have a law permitting the Interstate Commerce Commission to prescribe the maximum rate chargeable by the railroads. Why should they not have the power to prescribe a minimum rate, especially at water points? Certainly if the railroads are to be permitted to establish a different rate where there is water competition, are not the water carriers entitled to at least that protection against predatory methods?

Why not say to the railroads: "You shall not charge less than a certain rate; at water points you shall not prescribe a rate there that will destroy water competition; you shall not reduce your rate at the water points below the cost of transportation, because if you do you will not only destroy competition but you will certainly recoup that loss in the rates charged elsewhere, and the people will not gain." I ask, Why not fix a minimum at the water points as well as a maximum at other points? To my mind it is clear that the commission should be given a discretion in this matter which will enable it to protect water carriers against unfair methods and practices of competition which injuriously affect the general public as well as themselves.

Mr. President, I was talking about Germany. What has Germany accomplished as a result of building her waterways and linking them together, and thus securing the cheapest possible freight rates for her manufacturers? I do not undertake to say what she has accomplished in the way of reducing the cost of living in the German Empire; I have not looked into that; but I imagine the German consumers have seen to it that they have got the benefits of this lower cost of production and distribution.

What has been the effect of this policy upon German commerce? Germany, starting from a position of inferiority, with

a comparatively small foreign trade in the markets of the non-manufacturing countries, largely preempted and monopolized by other nations, has gone forward with such strides, with such rapid, unparalleled strides, in the struggle for trade that in less than 50 years she has become probably the most dangerous competitor for world's trade among the industrial nations of the world. She has successfully met the competition of England, for years recognized as the mistress of the sea and the monarch of world commerce. She has successfully met the competition of France, of Belgium, and of our own country. Against all opposition she has acquired a foothold here and there and everywhere and expanded and grown until she has forced herself to the front ranks of the great industrial nations who in modern times have waged war in all the ports of the world for industrial supremacy. She is to-day probably the sharpest competitor—no, not to-day, for Providence has brought a misfortune upon her that has disabled her for the time being—but until that came of all our foreign competitors she was probably the sharpest and most formidable.

For years when we were considering tariff legislation the competition of England was constantly dinged into our ears. We were told that we could not compete in our own markets with English products in the absence of high protective duties. England was the country held up to us as the country of greatest efficiency in production, the country where things could be made cheaper than anywhere else, and the country whose competition we had most to fear, both at home and abroad. In recent years when we have been making tariff bills we have heard less of England and more of Germany. Germany, we are now told, is the country of greatest efficiency in production; the country of cheapest production; the country whose competition was most to be feared, both at home and abroad. My colleague who sits before me, the honored and distinguished and able Senator from Missouri [Mr. STONE], is a member of the Committee on Finance, and I am sure he will confirm my statement that the German menace was constantly held up before us when framing the last tariff act, and that she was pointed out as the one nation, on account of her efficiency and economy in production, whose competition we had most to fear.

Why has Germany in these few years taken the place of England as the nation of cheaper production? I answer, Mr. President, because she has recognized, as the other nations have not, the importance of cheap transportation, the effect of cheap transportation upon the cost of production; recognized the frightful economic waste in using rail transportation where water transportation was equally as available in the assembling and distribution of heavy and bulky products of commerce, and by reducing the cost of transportation to a minimum has been enabled to produce and distribute her products at a lesser cost than her competitors, especially her European competitors.

Mr. President, the English are a very conservative race of people. They are slow to adopt innovations and to change their old methods and ways of doing things, but the English people could not shut their eyes to the effect upon Great Britain's trade of what was happening in Germany and in certain other countries that had in part adopted German methods, with respect to water transportation, and some years ago she appointed a royal commission to study the question of inland navigation with respect to its effect upon the cost of production and to make suitable recommendations in regard to the improvement of the waterways of Great Britain and Ireland.

I wish at this point to read a few short extracts of the article I have heretofore referred to, prepared by Mr. S. A. Thompson, who is, as I have said before, an authority upon waterways and their improvement, with respect to this commission, its studies, findings of fact, recommendations, and the things which led to its creation. This pamphlet says:

A British royal commission has recently been studying the question of canals and inland navigation. Mr. W. H. Lindley, the distinguished engineer who made a comprehensive report to this commission on the waterways of the Continent, gives, among other things, statements showing the charge per ton-mile borne by the State on the traffic carried by water. A number of writers have made these statements the basis of elaborate arguments against waterways. Mr. Lindley also made some other statements, which, if they have seen, these writers have certainly not quoted. In his opening summary he says:

"The opinion on the Continent as to the value of waterways is best shown by the steps proposed and the moneys granted by the Governments for their future improvement and development."

In the portion of his report devoted to Germany he says:

"The opinion existing in Germany on the value of waterways for handling the traffic in conjunction with the railways is given by the fact that the Prussian Landtag on April 1, 1905, sanctioned a law for new works for a total amount of £16,728,750 ($81,469,012.50), or for a sum equivalent to over 60 per cent of the total sum hitherto spent on the waterways in Prussia."

In the fourth and final report of the royal commission there are repeated statements of a similar character. Referring to the Belgian waterways, it is said:

"The State expects no return or profit upon the money spent upon construction or large improvement. It is considered in Belgium, as in France, that these works will increase the commerce and wealth of the nation, and that the increase of commerce and wealth will strengthen the national public revenue."

The commission says further:

"That the use of the improved natural and artificial waterways in cheapening the transport of coal and other low-value traffic has increased the trade, industry, and wealth of Germany, and so, indirectly, the revenue derived by the railways from passenger traffic and higher class goods; * * * and the State revenue at the same time benefits indirectly through the increased real income and spending power of the population consequent on the augmented industrial prosperity produced by a cheap water transport."

The conclusions reached and the recommendations made by the Royal Commission of Great Britain and Ireland are not without interest and significance to the people and the Government of the United States. That commission was appointed to seek a remedy for the depression in British trade and industry, which is especially evident in the Midlands, once the greatest manufacturing region in the world. One great factory after another has left its former location, which at most was only 85 miles from a harbor, and sought a new location on the seacoast. This was not a matter of choice, but of compulsion, for the owners found themselves not only beaten in the markets of the world, which they once had dominated, but even shut out of the market of London, only 100 miles away, by manufacturers in the heart of Germany, 500 miles farther away, but with water transportation available all the way.

The royal commission studied the canals and inland navigations of the Continent and found a great connected waterway system, with channels, which have been continually deepened, widened, and improved so that they could accommodate larger and larger boats and carry an ever-increasing traffic. They found the valleys of these streams sown thick with thriving industries and filled with prosperous cities, some of which, as Frankfort did, grew more in one brief score of years after the coming of the waterway than in a thousand years before. And as a natural, inevitable, and invariable result they found, in every country visited, that the busiest and most profitable railways were those which lay closest to, and cooperated most fully with, the waterways.

They studied the canals and inland navigations of Great Britain and Ireland and found, not a system but a jumbled collection of odds and ends of waterways—

Just exactly what we have in this country—

no two sections having the same width and depth, all of them too narrow and too shallow for modern needs; most of them unimproved since 1830; all of them strangled by obstructions; some emasculated by adverse railway control of strategic sections; some lying derelict and abandoned, crushed by unfair railway competition.

Why, Mr. President, you can not draw a truer picture of the conditions that exist in this country with respect to our waterways than that.

They found, not growth of trade—

That is, in Great Britain and Ireland—

They found, not growth of trade and industry as on the Continent, but decay, as told in a preceding paragraph, and, as a natural and unavoidable consequence, a steadily decreasing rate of dividends on railway capital.

But there was one striking exception to the general rule, one bright spot in the gloomy picture, and that was in the vicinity of the Manchester ship canal. A brief and imperfect outline of the effect on Manchester has already been given, but it should be said that the six or seven million tons of traffic which have been developed at this new-made port were not stolen from Liverpool. That city, with the object of holding the trade built up through centuries of effort, made repeated reductions in its dock and harbor dues. In spite of these reductions—possibly in part because of them—her traffic grew faster than ever, so that in the 13 years immediately following the opening of the Manchester Canal the revenue of the port of Liverpool increased more than five times as much as during the same length of time preceding that event.

The British Royal Commission learned from their studies that the influence of no other one thing penetrates so deeply into the very heart of industry and trade as does that of transportation. They learned that in the great race for commercial supremacy the position held by any nation depends chiefly upon the character, the efficiency, and the economy of the transportation facilities with which it is provided, and that in the last analysis national existence depends largely thereon. They learned, beyond all doubt or question, that waterways are creators of prosperity for cities, States, nations—and railways.

They recommend—

That a permanent "waterway board" be created, which shall be made up, not of legislators with countless other calls upon their time, but of experts who shall give exclusive and continuous attention to its work.

That this board be empowered to issue bonds to provide the needed capital.

That all the inland waterways of the United Kingdom be acquired as speedily as possible and placed under the control of the board.

That the first step should be the construction, at an estimated cost of about $100,000,000, of two great waterways extending from the Mersey to the Thames and from the Severn to the Humber, lying across the Midlands like a gigantic letter X, with branches which would shorten the routes from north to south and from east to west.

That a comprehensive plan be formed, and carried to completion as fast as funds become available, which shall extend a connected system of modern waterways to every part of Great Britain and Ireland, so that the manufacturers of the United Kingdom may be able to compete on even terms with the manufacturers of the Continent in the markets of the world.

Details differ in our own country, but the same principles apply. Theirs is chiefly a problem of canals, ours chiefly a problem of rivers. It goes without saying that in both countries there will be continued development of ocean harbors—with the addition in this country of the channels and harbors of the

Lakes. Theirs is a problem of arresting decay, ours a problem of hastening development.

The growth of the United States has been wonderful. But that growth is not finished; it is scarcely begun. If we shall have the wisdom and the courage to supplement our magnificent railway system with a splendid system of inland waterways, all the growth of the past will be but as a prologue to the mightiest drama of national development which the world has ever seen. If by the improvement of our waterways we shall make possible the utilization of all the multitudinous resources with which a bountiful Providence has endowed us, it needs no gift of prophecy to foresee the speedy coming of a day when America shall be so dowered with illimitable wealth, so girded with resistless might, that she may stretch forth the right hand of her power and say to all the warring tribes of earth, "Henceforth there shall be peace."

That is what England determined; that is what her royal commission recommended after they had investigated the causes which were crippling English industry, the causes which were handicapping her in her efforts to meet the competition of the countries of continental Europe not only in the neutral markets of the world but in her own markets.

Mr. President, the same problem which confronted Germany when she entered upon her ambitious career of commercial and industrial expansion, to which I have referred, confronts this country to-day. The same situation which confronted England when she appointed the royal commission to investigate the inland water systems of the countries of the Continent confronts this country to-day. It is the problem of reducing the cost of production and of distribution, to the end that the cost of living of our people may be reduced and to enable us to meet more effectively the competition of the world.

The time when we can live within ourselves has passed. Our industrial expansion depends upon our success in selling our surplus products in the markets of the world. When the products of our industries leave our shores they are met everywhere with the fiercest competition—competition of nations who recognize that economic production is essential to successful competition. If we are to successfully meet this competition, we must eliminate every possible economic waste. I do not know where we can better begin than where Germany began, because one of the chief elements in cost of production is the cost of transportation. There can be no greater waste with reference to the heavy and bulky products, such as coal, ores, cotton, grain, and lumber, and other building materials, than that involved in their transportation by rail instead of water, where both are available for that purpose.

We have a magnificent system of railways, but we have also a magnificent system of waterways. The great business of this country, present and prospective, justifies the fullest use of both as mediums of transportation. The legitimate development of the one will not impede the other. On the contrary, if they should be brought to work as handmaidens, the one to the other, in conditions of equitable distribution, a distribution based upon a greater adaptability of the one than the other for transportation of different classes of commodities, each would be benefited by the development of the other, and the effect would be to give a tremendous impetus to our trade and commerce, both domestic and foreign. To my mind, the Government can not make a more profitable investment than by improving up to modern standards and economic usefulness and linking together in one harmonious system its 25,000 miles of present, and probably between 40,000 and 50,000 miles of prospective, navigable inland waterway. I confidently believe that the effect of this improvement and development upon our commerce at home and abroad would be as striking as it has been upon that of Germany.

I think the trouble is we have not expended enough money on them; that we have been too niggardly, not too extravagant. The thinking people of this country, the people who have no special interest to subserve, the people who are not representing special interests, the people who are not considering the interests of the railroads as against those of the waterways, the people who are looking upon this matter from a fair and unbiased standpoint, who are considering their own interest and the country's interest, are to-day more overwhelmingly in favor of liberal appropriations to provide for the development of our rivers and harbors than they are for any other of the appropriations this Government is making.

Mr. President, it is said that on account of the war in Europe the people of this country are not able to bear the expense necessary to continue our river and harbor work, even at the slow pace we have heretofore set; that for this reason it is necessary to curtail the appropriations for this work, though it may result in loss to the Government from disorganization, reorganization, and deterioration. I deny that there is anything in the present situation that calls for a suspension of this work; that calls for the withholding of money reasonably necessary to carry it on. No man would contend that on account of the war in Europe we should reduce the amount appropriated for pensions. No man will contend that on account of the war we should withhold needed appropriations for the executive departments of the Government—the Agriculture Department, the Interior Department, the legislative and judicial branches of the Government, for the Navy or the Army. Nobody doubts our ability, even in present conditions, to provide for these great governmental functions; nor do the people believe that we should be niggardly in making appropriations for them. All of these appropriations, Mr. President, are in the nature of maintenance appropriations; they are not for development purposes; they do not provide for the development, construction, or utilization of the great natural resources of this country.

The only one of our appropriation bills that has these objects in view is the river and harbor bill. It represents practically all this great Government, with its hundred millions of people, with its vast area of varied and fabulous resources, is doing to help the people develop those resources. The jurisdiction of the Government over navigable rivers and harbors is plenary. It alone has the right to direct their improvement and development. The States and individual citizens can do nothing in this direction except with the consent of the Government. In assuming the power to regulate and control, the Government incurs the duty to put and maintain the rivers and harbors in proper condition for the use of the people in such way as may be most advantageous to the public welfare. It is a duty it can not shirk, and there is no function of the Government in the proper performance of which the people are more interested from a material standpoint than their improvement and development.

I have been surprised to find Senators stressing the necessity of improving our harbors and ocean outlets as of the utmost importance to the commerce of the country, but criticizing the improvement of our rivers. Those who take this view would spend all the money necessary to put in the highest state of usefulness the terminals of our great railroad systems, but they would deny like improvement to the streams that run into the interior, by the small town and by the farm, according cheap transportation, sometimes the only transportation, to the farmer and the comparatively small manufacturer and merchant. No one will minimize the importance of our harbors. They bring us in touch with the rest of the world. The duty of the Government to improve its navigable waters, whether they be rivers or creeks, whether they flow by big cities or through broad stretches of farms, is just as imperative and obligatory as the improvement of the harbors, although the aggregate interest affected is not as great.

It is said that the river and harbor bill is an unpopular bill; that it is a "pork-barrel" measure. That is not true. If it is a "pork-barrel" measure, every harbor bill we have passed in the last 25 years is a "pork-barrel" measure. Items are not put in this bill at the request of Senators or Representatives. They are put in there because they are recommended as worthy of Government improvement by the engineers who the law directs shall make thorough investigation and report to Congress. It is an unpopular measure with certain interests in this country, but it is not an unpopular measure with the people. The people of this country believe in the improvement of our waterways. They believe that the Government should spend whatever money is necessary to bring these waterways to a high standard of usefulness. This Government is not spending a dollar to-day for any purpose which meets with heartier approval on the part of the masses. It is engaged in no work which the people are more ready to applaud than that of river and harbor improvement.

In recent years we have had much evidence of this sentiment among the people. It has been expressed in a way leaving no room for doubt. It has been voiced in the meetings of annual conventions of associations and organizations earnestly agitating and resolving in favor of a more liberal policy on the part of the Government in its treatment of this subject. Are we to say to these people who attend these great conventions—the National Rivers and Harbors Congress, the Deeper Waterways Congress, and various subsidiary meetings, attended by bankers, merchants, farmers, manufacturers, governors, Cabinet officers—from all parts of the country, at great cost and inconvenience, that they do not know what they want, do not represent the sentiment of the people, and that they are engaged in an unpatriotic effort to loot the Treasury and squander the money of the people? The charge is absurd, and it is a base slander. The demand of the people of the country is not that there should be a curtailment of this work, but that it should

be conducted upon larger and broader and more constructive and more progressive lines. I grant that there has been some sentiment worked up against this bill, but it has been caused by misstatements, misrepresentations, falsifications, and slander. The prejudice that has been so worked up has been a manufactured sentiment. It does not represent the feeling of the people. In recent years there has been a class of newspapers in this country that have agitated for and against certain lines of legislation in such a way as to at least arouse the suspicion that they are speaking not for the people but for certain special interests. They suppress facts, and they employ in their agitation all the arts and devices of the special pleader. This class of newspapers have assailed the river and harbor bill. They have worked up some sentiment against it, but they have not changed the attitude of the people toward it. The people of this country are intelligent; they understand their interest, what is in their interest and what is against their interest, and I firmly believe that they intend to see to it that the rivers of this country, which a gracious Providence has bestowed upon them, shall not be made useless because their use will interfere with the selfish and avaricious purposes of any interest in this country.

Mr. President, I want to see a more liberal policy pursued by the Government toward these waterways. I want to see them brought to a high standard of usefulness as a vehicle of transportation; and I want Congress to pass such legislation as will make it impossible hereafter for the railroads of this country, either by cunning methods and practices or by an evasion of the law, to take away from the people the benefits which God has so bountifully bestowed upon them in giving them the most superb system of waterways upon the earth.

Mr. STONE. Mr. President, before the vote is taken I desire to say that I had intended to offer an amendment to the substitute bill now before the Senate to increase the salary of the civilian members of the Mississippi River Commission from $3,000 to $5,000 per year; but on reflection, and particularly after observing the votes the Senate has taken on other amendments, indicative of a manifest sentiment against amending this bill in any respect, I shall not now propose the amendment I had in mind to offer. I do wish to say, however, that I regard the salary now paid the civilian members of the Mississippi River Commission as being so inadequate as to be almost niggardly. It is in no sense commensurate with the importance of the position or the importance of the labor to be performed by the commissioners. This commission has charge of one of the greatest internal improvements of the country—yes; the very greatest of all. Its members are to devise, suggest, and execute the ways and means for carrying on this gigantic improvement, of such great importance to the commerce of the country; and in carrying forward this work they are charged with the duty of handling, dividing, and distributing many millions of dollars. This kind of work should command a high order of executive ability; and the small, almost niggardly salary paid is out of all proportion to the work done and the responsibilities of the position. Moreover, the salary paid to these commissioners is far below that paid to any other board of commissioners or any other single commissioner that I know of, and yet this is, I say, perhaps the most important of them all.

Merely to preserve for future use the data that I have collected on this subject, I ask leave to insert in the RECORD as a part of my remarks the paper I send to the desk, showing the salaries paid to other commissioners for the performance of various kinds of public service.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

Three commissioners of the District of Columbia, at $5,000 each.
Secretary of the International Waterways Commission, $4,000.
Chickamauga and Chattanooga National Military Park Commission: Three commissioners, at $3,600 each.
Gettysburg National Military Park Commission: Two commissioners, at $3,600 each.
Vicksburg National Military Park Commission: Three commissioners, at $3,600 each.
One civilian member Ordnance Board, at $5,000.
Lincoln Memorial Commission: One resident commissioner, at $5,000.
Two resident commissioners from the Philippines, at $7,500 each, plus mileage at $2,000 each.
One resident commissioner from Porto Rico, at $7,500.
St. Johns River Commission: Three commissioners for the United States, at $5,000 each.
One member Joint Claims Commission, at $7,500.
Two civilian members International Boundary Commission, at $4,800 each.
International Joint Commission: Three commissioners, at $7,500 each; one secretary, at $4,000.
Board of Mediation and Conciliation: One commissioner, at $7,500; one assistant commissioner, at $5,000.
Civil Service Commission: One commissioner, at $4,500; two commissioners, at $4,000.
Interstate Commerce Commission: Seven commissioners, at $10,000 each; one secretary, at $5,000.
Panama Canal Commission: One chairman, at $15,000; six commissioners, at $14,000 each; one secretary, at $5,000.
Philippine Commission: Four commissioners, at $15,000 each; one governor, at $20,000; four commissioners, at $7,500; one executive secretary, at $9,000.
Mississippi River Commission: Four civilian commissioners, at $3,000. The original bill as reported by the Committee on Commerce provided for raising these salaries from $3,000 to $5,000; but as that bill is lost this provision will have to go with it for the present, and await the future action of Congress.

Mr. STONE. Mr. President, following this statement I wish to add a word or two.

I have listened with interest and hearty approval to the speech just delivered by the Senator from North Carolina [Mr. SIMMONS]. His speech was a most timely utterance. I believe, with him, that the success of the filibuster against the passage of this rivers and harbors bill—for so far it is a success—will not stand in the future as expressive of the policy and purpose of the American Congress or the American people. With some degree of humiliation, I frankly confess that the Senate of the United States has been practically driven, compelled, coerced into adopting this $20,000,000 bill just reported by the Committee on Commerce as a substitute for the bill we have been considering for several weeks. This substitute is now before the Senate. It is wholly inadequate to meet the needs of the public service in carrying on the internal scheme of waterway improvements which the country has been prosecuting for a long time in the interest of commerce and cheaper transportation. But we have been compelled to accept this bill or nothing, and the Senators who have forced this upon us have won a triumph. They are entitled to wear a laurel crown of victory, while four-fifths of their colleagues in the Senate, sorely disappointed, must wear a crown of thorns. The various works which have been inaugurated and which are in course of construction may suffer and, I think, will suffer, and other works which ought to be inaugurated in the public interest will be halted; but the honorable Senators who have forced this situation are entitled to be congratulated on the success of their efforts. Mr. President, I agree with the Senator from North Carolina in the opinion he expressed that the public sentiment of the country will not approve of this act. It has been said, and repeated over and again, that the rivers and harbors bill is an unpopular measure. I do not believe that is true. On the contrary, I believe that it is, above all other appropriation bills, the one in which the great body of the people feel the most direct individual interest. Of course, if the people do not want these improvements, they should not be made. But how are we to determine what the public sentiment is with respect to this question? We can not determine it by reading carping criticisms based on invented or garbled facts and printed in newspapers. Such criticisms express only what the writers may think, and nothing more. If we give to the authors of these criticisms credit for sincerity, they express only their several individual views. But if they are not sincere, or if they are merely expressing the opinions of others, then what they write is not even entitled to respectful consideration.

Mr. President, we have at least one way of finding out what public opinion really is on this subject. There is no question upon which the people of the various States have more frequently or generally or emphatically expressed themselves than upon this question of improving our waterways. State conventions have been held and State organizations formed; national conventions have been held and national organizations formed. There have been a great many conventions, State and National, and there are a great many organizations, State and National, and in all these conventions and organizations all classses of our people have been represented, from learned scientists to the toilers of the land. There has been a great movement throughout the country, running through years, to create and make effective a public sentiment in favor of waterway improvements. There is scarcely a State whose legislature has not adopted resolutions—strong resolutions—in favor of these improvements, and they have usually been adopted by a unanimous vote. I repeat, there should be no doubt about what the people think with respect to this matter; but the filibuster led by the Senator from Ohio [Mr. BURTON] has for the time being halted the progress of this great movement for waterway improvement. It has been checked, but it is only for the time being. I warn these filibusterers that this movement will go on and on just the same.

Mr. President, I can not but regret that the distinguished and able Senator from Ohio has taken the course he has followed throughout the consideration of this measure. The Senator has traveled into every nook and corner of the world surveying the rivers and harbors of the earth and inspecting the work done thereon by the various Governments to improve them; he has

gone abroad on this business as the representative of this Government, authorized by Congress to go, with his expenses paid; and here, in the closing years of his long public career, he rises to put himself against the proper improvement of the rivers and harbors of his own country; he would use all he has learned at the public expense to break up the lines the Congress of the United States, largely under his leadership, has been following for a long time in performing this great work of internal improvement. When I saw my distinguished friend from Ohio stand here, day after day and night after night, talking, talking, talking, as a river flows on forever, to prevent the enactment of this important measure, first reported from the House Committee on Rivers and Harbors and then reported by the Senate Committee on Commerce, of which the honorable Senator is a member, I could not but reflect that it was a strange ending of a great career. When I saw him stand at his desk through all the hours of the night, wearying himself and wearying his colleagues, forced by fatigue to walk back and forth in slippers and a slouch coat, frequently leaning or sitting on the arm of his chair, with his voice grown weak and husky, still talking, reading and talking, I could not but be astonished at the performance. And when at last I read in some of the newspapers of Washington that championed this filibuster that he had brought his pajamas and bath robe to the cloak room, that he might don them for a little rest while some associate filibuster relieved him, I could not help feeling amazed nor escape the reflection that it was indeed a strange ending of a distinguished public career.

Mr. BURTON. Mr. President, if the Senator will yield to me, I hope he will not place too much confidence in this pleasing little gossip about the wearing of slippers, for that is not at all correct. I could not have done that with respect to the Senate. It is possible that in anticipation of night sessions of the Senate a dress-suit case was brought to the Capitol, but the story in regard to the bath gown, and so forth, is equally incorrect.

Mr. STONE. The Senator, then, admits the pajamas, but denies the slippers? [Laughter.]

Mr. BURTON. No; I deny both.

Mr. STONE. Well, I read it in the Washington Times and perhaps in one or two other Washington papers that have daily lent their aid to uphold the faltering physical strength of the Senator and who urged him on as Marmion in his last hour urged Stanley and Chester to charge on a fateful field. I could not believe it possible that these journals would malign the Senator from Ohio. Of course, if he denies that he wore slippers [laughter], then he must have worn shoes or been in his socks or barefooted. As to the exact facts I would be glad if the Senator would inform us, for I do not know. I do know that he trod back and forth behind his desk so softly that he might have been wearing slippers, even slippers feather padded.

Mr. President, this performance will last just through this session of Congress, and no longer. The American people will not indorse this action nor permit it to stand. I had the personal satisfaction of voting against the resolution to recommit the bill with instructions to report a bill for only $20,000,000, but I do not blame or criticize any Senator who voted for it, because the situation was such that there seemed to be no escape for us. I know that this bill now reported in obedience to the resolution of the Senate is not satisfactory to many Senators who voted for the resolution of recommittal and who will support the substitute measure immediately before us. It is no more satisfactory to them than it is to me. I am not going longer to oppose this $20,000,000 proposition. I am going to quit and take what I can get, for I recognize that the filibusterers have licked us. I want it understood that if I do not run up the white flag I must retreat, even though it be a disorderly retreat. [Laughter.] But a little later on we will find more favorable grounds upon which we can make a better stand. We will find the ground and make the stand, and with the American people behind us heart and soul we will supplement this legislation, for the Congress and the people will unquestionably carry on the great and important work of improving the rivers and harbors of the country. The work is halted, and great harm may ensue; but it will be taken up again in a broad and liberal spirit and carried on as long as the tide moves and rivers flow.

The VICE PRESIDENT. The question is, Shall the bill pass? The bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (S. 3550) ratifying the establishment of the boundary line between the States of Connecticut and Massachusetts, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 1930) granting to the Atchison, Topeka & Santa Fe Railway Co. a right of way through the Fort Wingate Military Reservation, N. Mex., and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the joint resolution (S. J. Res. 74) appropriating money for the payment of certain claims on account of labor, supplies, materials, and cash furnished in the construction of the Corbett Tunnel, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 2504. An act to amend section 2 of an act entitled "An act to incorporate the National Society of the Daughters of the American Revolution";

H. R. 8734. An act to amend an act entitled "An act to prevent the disclosure of national-defense secrets," approved March 3, 1911;

H. R. 12464. An act providing for the expenditure of part of the unexpended balance of the appropriation of $10,000 made by the urgent deficiency bill of October 22, 1913, for the completion of the post-office building at Hanover, Pa.;

H. R. 12674. An act to provide for the allowance of drawback of tax on articles shipped to the island of Porto Rico or to the Philippine Islands;

H. R. 16029. An act to authorize the Secretary having jurisdiction of the same to set aside certain public lands to be used as national sanitariums by fraternal or benevolent organizations, and for other purposes;

H. R. 17097. An act to fix the salary of the auditor of the Supreme Court of the District of Columbia, and for other purposes;

H. R. 17309. An act to amend section 3 of the act of Congress approved February 28, 1898, entitled "An act in relation to taxes and tax sales in the District of Columbia";

H. R. 18031. An act amending sections 476, 477, and 440 of the Revised Statutes of the United States; and

H. R. 18732. An act to amend section 98 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 6513) granting a pension to Joseph G. Winkler (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 6514) granting an increase of pension to Clark E. Messenger; to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 6515) granting a pension to Richard M. Longfellow; to the Committee on Pensions.

HOUSE BILLS REFERRED.

H. R. 2504. An act to amend section 2 of an act entitled "An act to incorporate the National Society of the Daughters of the American Revolution" was read twice by its title and referred to the Committee on Corporations Organized in the District of Columbia.

H. R. 8734. An act to amend an act entitled "An act to prevent the disclosure of national-defense secrets," approved March 3, 1911, was read twice by its title and referred to the Committee on Military Affairs.

H. R. 12464. An act providing for the expenditure of part of the unexpended balance of the appropriation of $10,000 made by the urgent deficiency bill of October 22, 1913, for the completion of the post-office building at Hanover, Pa., was read twice by its title and referred to the Committee on Public Buildings and Grounds.

H. R. 12674. An act to provide for the allowance of drawback of tax on articles shipped to the island of Porto Rico or to the Philippine Islands was read twice by its title and referred to the Committee on Finance.

H. R. 16029. An act to authorize the Secretary having jurisdiction of the same to set aside certain public lands to be used as national sanitariums by fraternal or benevolent organizations, and for other purposes, was read twice by its title and referred to the Committee on Public Lands.

H. R. 18031. An act amending sections 476, 477, and 440 of the Revised Statutes of the United States was read twice by its title and referred to the Committee on Patents.

H. R. 17309. An act to amend section 3 of the act of Congress approved February 28, 1898, entitled "An act in relation to

taxes and tax sales in the District of Columbia," was read twice by its title and referred to the Committee on the District of Columbia.

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H. R. 17097. An act to fix the salary of the auditor of the Supreme Court of the District of Columbia, and for other purposes; and

H. R. 18732. An act to amend section 98 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

THE CORBETT TUNNEL.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 74) appropriating money for the payment of certain claims on account of labor, supplies, materials, and cash furnished in the construction of the Corbett Tunnel.

Mr. MYERS. I move that the Senate disagree to the amendment of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. MYERS, Mr. JONES, and Mr. LEA of Tennessee conferees on the part of the Senate.

COAL LANDS IN ALASKA.

Mr. PITTMAN. I believe that under the unanimous-consent agreement House bill 14233 is to be taken up following the consideration of the river and harbor bill, and it is now the regular order.

The VICE PRESIDENT. Is there objection to taking up the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 14233) to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes, which had been reported from the Committee on Public Lands with an amendment to strike out all after the enacting clause and insert a substitute.

Mr. CLAPP. There are certain Senators who desire to be here when the bill is brought up. I therefore suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Norris	Simmons
Bankhead	Johnson	Overman	Smith, Ariz.
Brady	Jones	Page	Smith, Md.
Bryan	Kenyon	Perkins	Smith, Mich.
Burton	Kern	Pittman	Sterling
Chamberlain	Lane	Poindexter	Stone
Chilton	Lea, Tenn.	Pomerene	Thompson
Clapp	Lee, Md.	Reed	Thornton
Culberson	Lewis	Robinson	Vardaman
Fletcher	McCumber	Root	West
Goff	Martin, Va.	Shafroth	White
Gore	Nelson	Sheppard	Williams

The VICE PRESIDENT. Forty-eight Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. CRAWFORD and Mr. RANSDELL answered to their names when called.

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present. The amendment of the Committee on Public Lands will be read.

The SECRETARY. The Committee on Public Lands recommends striking out all the House text and inserting the following words, which begin on page 12, line 16:

That the Secretary of the Interior be, and hereby is, authorized and directed to survey the lands of the United States in the Territory of Alaska known to be valuable for their deposits of coal, preference to be given first in favor of surveying lands within those areas commonly known as the Bering River and Matanuska coal fields, and thereafter to such areas or coal fields as lie tributary to established settlements or existing or proposed rail or water transportation lines: *Provided*, That such surveys shall be executed in accordance with existing laws and rules and regulations governing the survey of public lands.

SEC. 2. That after the execution of the surveys provided for in this act the President of the United States shall designate and reserve from use, location, sale, lease, or disposition not exceeding 5,120 acres of coal-bearing land in the Bering River field and not exceeding 7,680 acres of coal-bearing land in the Matanuska field: *Provided*, That the coal deposits in such reserved areas may be mined under the direction of the President when, in his opinion, the mining of such coal in such reserved areas, under the direction of the President, becomes necessary, by reason of an insufficient supply of coal at a reasonable price for the requirements of Government works, construction and operation of Government railroads, for the Navy, for national protection, and for relief from oppressive conditions.

SEC. 3. That the unreserved coal lands shall be divided by the Secretary of the Interior into leasing blocks or tracts of 40 acres each, or multiples thereof, and in such form as in the opinion of the Secretary will permit the most economical mining of the coal in such blocks, but in no case exceeding 2,560 acres in any one leasing block or tract; and thereafter, subject to any prior valid existing rights, which said rights may be perfected under the laws in force at the time the same were initiated, the Secretary shall offer such blocks or tracts and the coal, lignite, and associated minerals therein for leasing, and shall award leases thereof through advertisement, competitive bidding, or such other methods as he may by general regulations adopt, to any person above the age of 21 years who is a citizen of the United States, or to any association of such persons, or to any corporation organized under the laws of the United States or of any State or Territory thereof: *Provided*, That no more than one of said blocks shall be included in any lease: *And provided further*, That no railroad or common carrier shall be permitted to take or acquire through lease or permit under this act any coal or coal lands in excess of such area or quantity as may be required and used solely for its own use, and such limitation of use shall be expressed in all leases or permits issued to railroads or common carriers hereunder: *And provided further*, That any person, association, or corporation qualified to become a lessee under this act and owning any pending claim under the public-land laws to any coal lands in Alaska may, within one year from the passage of this act, enter into an arrangement with the Secretary of the Interior by which such claim shall be fully relinquished to the United States; and if in the judgment of the Secretary of the Interior the circumstances connected with such claim justify so doing, the moneys paid by the claimant or claimants to the United States on account of such claim may, by direction of the Secretary of the Interior, be returned and paid over to such person, association, or corporation as a consideration for such relinquishment, or in lieu of such repayment the Secretary of the Interior may execute and deliver to said person, association, or corporation, in preference to any other lessee, a lease under this act of the land so claimed or any part thereof within the limitations of area and location fixed by section 2 hereof, and the said moneys may be credited upon the royalties to become due under such lease: *Provided*, That if the land so claimed be within a reservation made in pursuance of section 7 of this act, other coal lands in Alaska of substantially equal value may be substituted in said lease for the lands so relinquished.

SEC. 4. That a person, association, or corporation holding a lease of coal lands under this act may, with the approval of the Secretary of the Interior and through the same procedure and upon the same terms and conditions as in the case of an original lease under this act, secure a further or new lease covering additional lands contiguous to those embraced in the original lease, but in no event shall the total area embraced in such original and new leases exceed in the aggregate 2,560 acres

SEC. 5. That, subject to the approval of the Secretary of the Interior, lessees holding under leases small blocks or areas may consolidate their said leases or holdings so as to include in a single holding not to exceed 2,560 acres of contiguous lands.

SEC. 6. That each lease shall be for such block or tract of land as may be applied for, not exceeding in area 2,560 acres of land, to be described by the subdivisions of the survey, and no person, association, or corporation, except as hereinafter provided, shall be permitted to take or hold any interest as a stockholder or otherwise in more than one such lease under this act, and any interest held in violation of this proviso shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in any court of competent jurisdiction, except that any such ownership and interest hereby forbidden which may be acquired by descent, will, judgment, or decree may be held for one year, and not longer, after its acquisition.

SEC. 7. That any person who shall purchase, acquire, or hold any interest in two or more such leases, and any person who shall knowingly sell or transfer to one disqualified to purchase, or, except as in this act specifically provided, acquire any such interest, shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment for not more than three years and by a fine not exceeding $1,000. For all the purposes of this act stock in a corporation owning or holding such a lease shall be deemed an interest in the same.

SEC. 8. That any director, trustee, officer, or agent of any corporation holding any interest in such a lease who shall, on behalf of such corporation, act in the purchase of any interest in another lease, or who shall knowingly act on behalf of such corporation in the sale or transfer of any such interest in any lease held by such corporation to any corporation or individual holding any interest in any such a lease, except as herein provided, shall be guilty of a felony and shall be subject to imprisonment for a term of not exceeding three years and a fine of not exceeding $1,000.

SEC. 9. That for the privilege of mining and extracting and disposing of the coal in the lands covered by his lease the lessee shall pay to the United States such royalties as may be specified in the lease, which shall not be less than 2 cents nor more than 5 cents per ton, due and payable at the end of each month succeeding that of the shipment of the coal from the mine, and an annual rental, payable at the beginning of each year, on the lands covered by such lease, at the rate of 25 cents per acre for the first year thereafter, 50 cents per acre for the second, third, fourth, and fifth years, and $1 per acre for each and every year thereafter during the continuance of the lease, except that such rental for any year shall be credited against the royalties as they accrue for that year. Leases may be for periods of not more than 50 years each, subject to renewal on such terms and conditions as may be authorized by law at the time of such renewal.

SEC. 10. That in order to provide for the supply of strictly local and domestic needs for fuel the Secretary of the Interior may, under such rules and regulations as he may prescribe in advance, issue to any applicant qualified under section 3 of this act a limited license or permit granting the right to prospect for, mine, and dispose of coal belonging ing to the United States on specified tracts not to exceed 10 acres to any one person or association of persons in any one coal field for a period of not exceeding 10 years, on such conditions not inconsistent with this act as in his opinion will safeguard the public interest, without payment of royalty for the coal mined or for the land occupied: *Provided*, That the acquisition or holding of a lease under the preceding sections of this act shall be no bar to the acquisition, holding, or operating under the limited license in this section permitted. And the holding of such a license shall be no bar to the acquisition or holding of such a lease or interest therein.

SEC. 11. That any lease, entry, location, occupation, or use permitted under this act shall reserve to the Government of the United States the right to grant or use such easements in, over, through, or upon the land leased, entered, located, occupied, or used as may be necessary or appropriate to the working of the same or other coal lands

by or under authority of the Government and for other purposes: *Provided*, That said Secretary, in his discretion, in making any lease under this act, may reserve to the United States the right to lease, sell, or otherwise dispose of the surface of the lands embraced within such lease under existing law or laws hereafter enacted in so far as said surface is not necessary for use by the lessee in extracting and removing the deposits of coal therein. If such reservation is made, it shall be so determined before the offering of such lease.

That the said Secretary during the life of the lease is authorized to issue such permits for easements herein provided to be reserved, and to permit the use of such other public lands in the Territory of Alaska as may be necessary for the construction and maintenance of coal washeries or other works incident to the mining or treatment of coal, which lands may be occupied and used jointly or severally by lessees or permittees, as may be determined by said Secretary.

SEC. 12. That no lease issued under authority of this act shall be assigned except with the consent of the Secretary of the Interior. Each lease shall contain provisions for the purpose of insuring the exercise of reasonable diligence, skill, and care in the operation of said property; a provision that such rules for the safety and welfare of the miners and for the prevention of undue waste as may be prescribed shall be observed, and such other provisions as are needed for the protection of the interests of the United States.

SEC. 13. That the possession of any lessee of the land or coal deposits leased under this act for all purposes involving adverse claims to the leased property shall be deemed the possession of the United States, and for such purposes the lessee shall occupy the same relation to the property leased as if operated directly by the United States.

SEC. 14. That any such lease may be forfeited and canceled by appropriate proceeding in a court of competent jurisdiction whenever the lessee fails to compiy with any provision of the lease or of general regulations promulgated under this act; and the lease may provide for the enforcement of other appropriate remedies for breach of specified conditions thereof.

SEC. 15. That the jurisdiction of the district court of Alaska shall extend to and over any forfeiture or cancellation proceedings instituted under the provisions of section 9 of this act and to any and all controversies which may arise between the United States and any lessee or other person, association, or corporation growing out of any disputed controversies or proceedings arising under this act or under leases issued hereunder. All causes against the United States brought under the provisions of this act shall be tried in the same manner and under the same rules as controversies between citizens.

SEC. 16. That all statements, representations, or reports required, unless otherwise specified, by the Secretary of the Interior under this act shall be upon oath and in such form and upon such blanks as the Secretary of the Interior may require, and any person making false oath, representation, or report shall be subject to punishment as for perjury.

SEC. 17. That the Secretary of the Interior is authorized to prescribe the necessary and proper rules and regulations and to do any and all things necessary to carry out and accomplish the purposes of this act.

SEC. 18. That all acts and parts of acts in conflict herewith are hereby repealed.

Mr. SMOOT. Mr. President, I want to call the attention of the Senator having the bill in charge to an error, on page 15, line 11, where it reads "by section two hereof." The words "two hereof" should be stricken out and the word "this" inserted before the word "section," so that it will read:

Area and location fixed by this section.

I want to say to the Senator that I believe the error was caused in committee by incorporating section 8 of the bill, which was introduced by myself on January 12, 1914, in this paragraph, the section having been copied just as it appeared in my bill. In that bill it properly referred to section 2, but in this bill it is included in section 3, which covers the part that was section 2 in my bill. I suppose the Senator from Nevada can readily see the error now that his attention is called to it.

Mr. PITTMAN. I have no doubt that that statement is correct, and I ask that the amendment suggested by the Senator from Utah be made.

The VICE PRESIDENT. The amendment to the amendment suggested by the Senator from Utah will be stated.

The SECRETARY. On page 15, line 11, after the word "section," it is proposed to strike out the words "two hereof," and before the word "section" to insert the word "this."

The amendment to the amendment was agreed to.

Mr. PITTMAN. On page 12, line 21, after the word "Matanuska," I move to insert the words "and Nenana."

The amendment was agreed to.

Mr. SMOOT. Mr. President, I wish to ask the Senator from Nevada a question before suggesting an amendment to section 2. Does the Senator wish that the President shall have the right to make reservations in the Nenana coal field?

Mr. PITTMAN. I do not think the committee conceived that to be of any particular importance by reason of the great distance of this coal field from the coast and the character of the coal.

Mr. SMOOT. Then there is no necessity to amend section 2 by inserting Nenana coal field.

Mr. PITTMAN. I think not.

I also offer as an amendment, on page 13, line 3, to strike out all after the word "That" down to and including the word "act," in line 4, on the same page.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In section 2, page 13, line 3, in the committee amendment, after the word "That," it is proposed to strike out the words "after the execution of the surveys provided for in this act," so that if amended it will read:

SEC. 2. That the President of the United States shall designate and reserve from use—

And so forth.

Mr. PITTMAN. Mr. President, my only reason for offering that amendment is that this land may be surveyed in blocks before it can be leased. According to the whole tenor of the act and the interpretation placed on the words it contains, they might lead to the belief that the President could not begin leasing any of these lands until it was all surveyed.

Mr. SMOOT. Mr. President, section 2 only applies to the authority granted to the President to "reserve from use, location, sale, lease, or disposition" certain lands for the use of the Government. I do not see what necessity there is for striking out those words in that section, for I believe the land ought to be surveyed before the President reserves them or withdraws them for that purpose.

Mr. PITTMAN. I have no disposition to press the amendment at all. If the Senator from Utah believes that it adds to it, and does not correct any abuse about having these reservations made until after the entire survey, it is all right.

Mr. SMOOT. I think the bill is exactly right as it is.

Mr. PITTMAN. Then I withdraw the amendment.

Mr. SMOOT. I do not think those words ought to be stricken out.

Mr. PITTMAN. I simply attempted to make the language more definite. I withdraw the amendment.

In section 3, page 13, line 18, after the word "lands," I move to insert the words "and coal deposits."

Mr. SMOOT. Mr. President, are not "coal deposits" coal lands?

Mr. PITTMAN. I think there is no doubt that the presence of coal constitutes coal lands, but this bill contains another provision, which the Senator from Utah will recollect authorizes the reservation of the surface of tLis land from lease. So it may be leased for other purposes or disposed of for agricultural purposes. I simply wanted the distinction drawn there as between the land itself and the coal deposits.

Mr. SMOOT. I do not think it will hurt, and therefore I do not object; but I do not think it will do any good.

The VICE PRESIDENT. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. PITTMAN. On page 15, line 14, after the word "section," I move to strike out "7" and to insert "2." That is merely to give the correct number of the section.

Mr. SMOOT. That is correct.

The amendment to the amendment was agreed to.

Mr. PITTMAN. In section 12, page 20, line 1, after the word "property," I move to strike out to and including the word "rules," in line 2.

The VICE PRESIDENT. The amendment to the amendment proposed by the Senator from Nevada will be stated.

The SECRETARY. In section 12, page 20, line 1, after the word "property," it is proposed to strike out the words "a provision that such rules."

The amendment to the amendment was agreed to.

Mr. PITTMAN. In section 12, page 20, line 1, after the word "property," I move to insert the word "and."

The amendment to the amendment was agreed to.

Mr. PITTMAN. On page 20, section 12, line 3, I move to strike out the words commencing after the word "waste" and including the word "observed," in line 4.

The VICE PRESIDENT. The amendment to the amendment proposed by the Senator from Nevada will be stated.

The SECRETARY. In section 12, page 20, line 4, after the word "waste," it is proposed to strike out the words "as may be prescribed shall be observed."

The amendment to the amendment was agreed to.

Mr. PITTMAN. Mr. President, as I have stated, I do not intend to discuss this bill. I believe it will be discussed extensively by some of those who are opposed to it. All I desire to say is that this matter has been under consideration by Congress for a great many years; that there has been an experiment in Alaska with the disposal of coal lands under the old law by sale, which has not proven entirely satisfactory; at least it has not resulted or did not tend to result in the opening up of Alaska.

The Committee on Public Lands of the other House have unanimously reported a bill similar to this. The Committee on Public Lands of the Senate had this bill under consideration for three or four weeks, if not longer. It was most carefully considered by every member of the Public Lands Committee and it had been considered for three or four years before that

by present members of the Public Lands Committee. Various bills were compared, and those provisions which seemed best adapted to the conditions in Alaska were adopted. The Committee on Public Lands has reported this bill unanimously, with the exception of the vote of the Senator from Wyoming [Mr. CLARK]. I think that that entitles it to very favorable consideration by this body.

The natural question that is asked by all Senators who have not studied this question is, Why not sell the coal lands in Alaska instead of leasing them? Why should we adopt a leasing system? That question will be asked by the Senator from Colorado [Mr. SHAFROTH]. I simply want to say that very few of us are entirely satisfied with the leasing system. We realize its objections; but we do believe that it is the only system that can be put in operation in Alaska to-day or for many years to come. We do believe that it will operate very successfully there, and we know that there is a crying need for legislation now with regard to Alaska that will throw open those fields to use. It is an emergency that touches the people of Alaska most closely. They are in an Arctic climate, surrounded by coal that they can not use. All the coal that they use in the Territory to-day comes from British Columbia. We have received numerous reports from Alaska indicating to us that the conditions in Europe to-day may at any moment prevent the shipment of the coal of British Columbia to Alaska. So the matter is urgent.

There can be no objection to this bill except that it provides for a leasing system. The bill itself is the best the committee could work out along that particular line; and let me say to you that there is this advantage in the leasing system: It requires considerable capital to purchase coal mines. History has shown us that in the purchase of coal mines almost invariably the capital has been furnished by a monopoly. History has shown us that the poor man, the ordinary miner, does not purchase coal lands as a general thing, and that when such men do purchase coal lands, they generally act as dummies for some great coal corporation. The leasing system allows a poor man, an ordinary miner, to acquire a tract of coal land without the advancement of any money, with the ability to work it with his hands in the event that it is favorably located.

There is not any doubt in the world that there will be much more coal mined in Alaska where the miner only has to pay a part of the coal extracted from the ground than there would be if the miner was compelled to pay the Government from $10 to $20 an acre cash for the coal lands before he could start to work. What difference does it make, so far as the Government is concerned, whether it receives the money in a lump sum at the rate of from $10 to $20 an acre or whether it receives it in the form of royalties? It does, however, make a big difference to the poor man, because under the leasing system the poor man can start mining operations without capital.

As a matter of fact, all over the United States the leasing system is pursued in coal mining. The only difference is that to-day large companies own the coal and lease it to the miners instead of the Government doing so. The provisions of this bill are such that the Government, instead of the large coal companies, will lease the coal to the miners. The method of operation will be largely the same.

Those are some of the objections which are raised to the bill. It is said that it will create a bureaucracy; but we have already authorized the building of a railroad in Alaska by the Government of the United States; we have shown that conditions in Alaska are exceptional; we have already shown that nearly all of the land in Alaska is to-day Government property; that there is little inducement for the individual to build railroads into that country and that there would be little incentive to coal mining in that country for commercial purposes if it were not that we are going to have Government transportation instead of individual transportation.

The matter simply comes down to the bare question as to whether this body is willing to turn down the recommendation of the House of Representatives and turn down the recommendations and report of the Committee on Public Lands of this body merely because they are in theory opposed, as they term it, to a general Government leasing policy.

I am indulging the hope that the Senator from Colorado, with the sympathy for the development of Alaska which I know he has, with the sympathy which he has for all western development projects, will try to draw a distinction between conditions existing in Alaska to-day and conditions existing in his own State and throughout the other Western States. There is quite a difference in the argument he may make when it comes down to the general leasing bill as affecting his State and the argument that he will have to make with regard to the District of Alaska. I regret exceedingly that he has found it necessary to fight this bill, which to-day is needed so badly by the people up in that cold country, merely on the ground that he is opposed to that principle and that policy.

Mr. SHAFROTH obtained the floor.

Mr. JONES. Mr. President, I should like to ask the Senator from Nevada a question or two before he takes his seat.

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Washington?

Mr. SHAFROTH. Certainly.

Mr. JONES. Mr. President, I simply want to say at this time that I shall vote for this legislation, because I think it is the only thing that we can now get to relieve a situation in Alaska which ought to be relieved. Now I want to ask the Senator from Nevada a question.

My recollection is that the House bill provides that there shall be a royalty of not less, I think, than 2 cents per ton and then a certain rate per acre, not less than a certain amount. The committee appear to have changed that provision so as to require that the royalty shall be not less than 2 nor more than 5 cents per ton, and there is a fixed rate per acre. Why did the committee make that change? With those limitations, why have a provision in the bill that the Secretary of the Interior may lease Alaska coal lands by competitive bids? It does not seem to me that there is very much room for competition when the royalty ranges only from 2 to 5 cents a ton and the price per acre is definitely fixed. It strikes me that the House provision would be much better than the Senate provision, and I should like to know why the committee made that change.

Mr. PITTMAN. Mr. President, the reason why the Senate committee placed the limit of 5 cents a ton was simply to restrict the arbitrary power of a governmental department. Under the House bill the Secretary of the Interior might have charged 20 cents a ton as royalty for coal mined. We know from experience in connection with leasing in this country that that would be exorbitant, if not prohibitive. The Secretary might not know that—not the present Secretary, however, but in the course of time some Secretary of the Interior might not know that—and even some man who wanted to engage in coal mining might not know it, because such things have happened frequently in the leasing business. We simply threw a protection around the lessee and a protection around the people of Alaska. We believed that 5 cents a ton was a high enough price to charge as a royalty and that 2 cents a ton was a low enough price to charge.

Mr. JONES. Does not the Senator think that those desiring leases will look into the situation pretty closely and will be careful in making their bids, so that they can keep their bids as low as the conditions warrant, and that by retaining the House provision you would be more likely to get a recompense for the Government which would be more commensurate with the advantages which the lessee might have? I take it that, unless you have some governmental system of regulating the price at which the coal shall be sold, the royalty will not always come out of the consumer, but it will simply come out of the market price at which the coal can be sold. If the royalty is 5 cents and the market price is $5 a ton, the lessee will sell his coal at that rate, while if the royalty were 20 cents a ton and the market price $5 per ton, he would still sell at $5 a ton, and the Government would get a better royalty; in other words, it looks to me as if this provision will work to the disadvantage, at least, of the Treasury of the United States and may give to the lessee a very great advantage and benefit.

Mr. PITTMAN. Mr. President, this provision might work a harm on the Treasury of the United States.

Mr. JONES. Without any corresponding benefit to the consumer; that is what I meant.

Mr. PITTMAN. No; it is bound to have a corresponding benefit. The object of this legislation is chiefly for the relief of the people of that country, the development of Alaska, and the reduction to the consumer of the price of coal. We have conceived that 5 cents a ton is a big enough profit to the National Government. We believe that if the royalty is higher it will very probably come out of the consumer in the long run, and we would rather have the consumer have the benefit than the Government.

There is one other consideration to which I desire to call attention. The evidence that was presented to the committee tended to prove to us that 5 cents a ton was a reasonable rate in that country. Nearly all of the leasing throughout the Western States is upon a tonnage basis; and we find that the rates there range from 5 to 15 cents a ton, rarely over 12 cents a ton, however. The conditions undoubtedly out in the Western States are much more advantageous for mining than they are in Alaska. We therefore considered that 5 cents a ton was a good limit to fix.

The Senator states that a man will investigate these propositions carefully and will govern his bid accordingly. Some men will, but, strange to say, a great many men will not. The history of leasing throughout the West has taught us that it is a mistake to assume that a man will protect himself. We of the mining section of the country know that very frequently mining companies demand exorbitant royalties and that men accept leases on exorbitant royalties, with the result that there is an utter failure of the lease, the lessee fails, and the mining company derives no benefit from that character of lease, because the lessee in his attempt to make expenses mines in such a manner that the ultimate destruction of the property and the waste attending that character of mining more than offset the high royalty. It is the part of wisdom to fix those things within reasonable limits.

The Senator from Colorado will tell us now that this bill grants too much authority to a bureau; that there is too much authority granted to the Secretary of the Interior. Certainly this does not grant him any more, but confines him within closer lines. That is the object of the committee. I do not know whether the committee is right or wrong.

Mr. JONES. Mr. President, I do not care especially to take up any time in the discussion of this matter now. I merely wanted to get the views of the committee, and probably at a later time in the consideration of the bill this matter will be brought up further.

I will say that my impression now is that this is not as good a provision as that contained in the House bill; but I want to give it some consideration, so I will not interfere with the time of the Senator from Colorado further.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Utah?

Mr. SHAFROTH. Certainly.

Mr. SMOOT. I want to say to the Senator from Washington [Mr. JONES] that the sentiment as expressed in the committee was that the Government of the United States ought not to make any money out of the leasing of the coal lands of Alaska. It was figured about what it would cost the Government of the United States to administer the leasing of coal lands in Alaska and the rate of 2 to 5 cents per ton royalty agreed upon. So far as I am concerned, I do not want the Government to make as much as a 5-cent piece out of the leasing of coal lands in Alaska.

Mr. LANE. Mr. President, I should like——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Oregon?

Mr. SHAFROTH. Certainly.

Mr. LANE. I should like to say that the Senator may be relieved of any fear in that respect; the Government will not make a cent from the leasing of these lands.

Mr. SMOOT. I quite agree with the Senator that with the amount of royalty provided for in the bill the Government will not make one cent from the leasing, and if it pays expenses it will do very well. I want to say to the Senator, however, that if the rate of royalty was double what it is I believe there would be additional employees appointed to require every cent collected to pay.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Ohio?

Mr. SHAFROTH. I do.

Mr. POMERENE. I desire to put a question to the Senator from Utah. The Senator has indicated that he thought 5 cents per ton was a reasonable royalty to be charged. I take it that that is taking into consideration the fact that this is now an undeveloped territory; but if this territory should develop as we hope it may, does not the Senator think that under those circumstances the Government would be justified in charging a greater royalty?

Mr. SMOOT. I do not. I do not believe the Government ought to charge a cent more than the actual expenses incurred in directing the mining and collecting the royalties under the leasing system in Alaska. I do not believe the Government ought to speculate in its public lands. In the past no such policy has maintained. I hope there never will be such a policy. I want to say to the Senator that I hope we never will have a leasing system of our public domain in the United States. I do not want to live to see the day when American citizens are tenants and not owners of their homes or the lands they may operate.

Mr. POMERENE. Assuming that to be the correct theory—and I am not prepared to take either one view or the other of it—what reason is there for making any charge, then?

Mr. SMOOT. The reason is that we do not believe the Government ought to be put to expense in this connection. The only reason given for a lease law, and about all that can be said for it, is that the Government of the United States retains control over the lands and can prevent them from going into the hands of a monopoly. Outside of that one feature there is no more need for this bill or any other lease bill for Alaska than there would be for having the laws of the Medes and Persians apply to any State in the Union.

Mr. POMERENE. Assuming that it would be good policy not to make any charge, why not give to these lessees the title in fee, or at least a qualified fee of some character?

Mr. SMOOT. Mr. President, if they had a fee-simple title, a direct ownership of the land, then, of course, the Government could not control the mining operations nor the transportation of the coal. There are a number of reasons why the leasing system would keep the coal in the absolute control of the Government.

Mr. WHITE. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Alabama?

Mr. SHAFROTH. I do, but I should like to begin this talk if I may be permitted to do so.

Mr. WHITE. I just want to ask the Senator from Utah, if the Government is not going to make anything out of the leasing system, why would it not be a better scheme to let these people enter these lands and become the owners of them?

Mr. SMOOT. The only reason is this: If they did that, of course it would not be many years before all the coal lands in Alaska would be held in few hands. Entrymen could immediately sell the coal lands to any company that might undertake to build a railroad to them or any company that desired to control the coal lands of Alaska.

Mr. SHAFROTH. Oh, no, Mr. President. Under the law——

Mr. WHITE. Would not that be denying to these entrymen that dominion over property which every other man exercises and ought to exercise?

Mr. SMOOT. I will say to the Senator that about 1,162 entries have been made on coal lands in Alaska. The Government of the United States has in its Treasury to-day about $400,000 of the entrymen's money, and they have been for nearly 10 years trying to have their titles adjudicated and passed upon, and up to the present time not a single entry has passed to patent. Not only that, but I want to say to the Senator that the officials of the Land Office told the committee plainly that they did not propose that there should be any patents issued, and that no matter whether they were entered in good faith and the law complied with or not, they were not going to be passed upon for the present.

Mr. WHITE. Do they propose to defy the Government and its laws?

Mr. SMOOT. That is about what has been done in the past.

Mr. WHITE. It seems to me if we could get rid of those officers and agents it would be better than to lease the lands.

Mr. SMOOT. I want to say to the Senator now——

Mr. SHAFROTH. Mr. President, before the Senator leaves that subject I wish to call his attention to the fact that the laws of Alaska right now are an absolute guaranty against monopoly. I want to read this section of the United States Statutes for Alaska, and put it in the RECORD right now, because the Senator has referred to it:

> If any of the lands or deposits purchased under the provisions of this act shall be owned, leased, trusteed, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever so that they form part of or in any way effect any combination or are in any wise controlled by any combination in the form of an unlawful trust, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal or of any holding of such land by any individual, partnership, association, corporation, mortgage, stock ownership, or control in excess of 2,560 acres in the District of Alaska, the title thereto shall be forfeited to the United States by proceedings instituted by the Attorney General of the United States in the courts for that purpose.

The United States Government has not any such law upon its statute books applicable to the public domain in the States. This talk about making a monopoly in Alaska is absolutely an impossibility in view of that legislation, which was passed some four or five years ago.

I just wanted to interrupt the Senator to read that law. He can now finish his query.

Mr. SMOOT. I was simply going to refer to another matter; and I do not want to take the time of the Senator now, because if I entered upon that matter it would take some little time to discuss it. I prefer to do it after the Senator is through.

Mr. SHAFROTH. Very well. Then I will begin my talk now.

Mr. President, I am glad, indeed, that the Senator from Nevada [Mr. PITTMAN] has stated that he is not satisfied with the leasing system, either for Alaska or for the States, and that he is urging this legislation very largely as, perhaps it might be termed, an experiment. If there were no principle involved in this legislation I would feel differently about it; but there is a fundamental principle of government that is affected here—as to whether we are going to have that individuality and ownership that has existed in this country from the foundation of the Government or whether we are going to have our people become tenants.

This is not the only bill of the kind. This bill has been followed by the passage in the House of Representatives of other bills providing for the leasing of various kinds of lands within the borders of States. Consequently, when I discuss this question I am going to discuss all the bills, because it must be recognized not only that the passage of this bill has an influence in the passage of the others but that the same principle is involved.

IS A LEASING SYSTEM FOR THE PUBLIC DOMAIN RIGHT, EXPEDIENT, OR PRACTICABLE?

Mr. President, numerous bills have been introduced in Congress providing for a leasing system for the grazing, coal, oil, asphaltum, phosphate, gas, potassium, and sodium lands of the public domain, as well as for the power generated by falling water thereon. Some of them have passed the House of Representatives and are now pending in the Senate. The principle is the same in all of them, and hence the presentation of any one makes proper a discussion of the whole subject. The bill now presented is one of them.

As the area of the remaining public lands within the States, including forest and other reserves, comprises 343,000,000 acres, a domain equal in extent to the area of nearly two-thirds of the territory east of the Mississippi River, it can readily be seen how seriously a land policy affects that portion of the Republic where these lands are situate.

I want to discuss the proposition of a leasing system for the public domain from the standpoint—

First. Is it right?

Second. Is it expedient?

Third. Is it practicable?

I. IS A FEDERAL LEASING SYSTEM RIGHT?

The greatest objection to a leasing system for the public domain is that it establishes the principle of perpetual ownership in the Federal Government, and, I think, is almost destructive of the development of a State. Such a policy was never intended by the framers of our Federal Constitution or by the States ratifying that instrument. There is no mention in the Constitution of the power or intention of the Government to lease or to hold in perpetuity the public lands, but there is reference in the Constitution, and repeatedly in the acts of Congress, to the manner of the disposition of those lands. Section 3 of Article IV of the United States Constitution reads as follows:

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States, and nothing in this Constitution shall be construed as to prejudice any claims of the United States or of any particular State.

It must be remembered that the Federal Constitution is a grant of enumerated delegated powers; that all powers not expressly or by necessary implication granted are reserved to the States, whether they were original States or were admitted into the Union afterwards. The fact that the Constitution and early acts of Congress provided for the holding of lands for military, naval, and post-office purposes upon the States ceding jurisdiction over them, and the acts then provided for the disposition of the public lands not needed for governmental purposes by entry, location, and patent of agricultural, grazing, mineral, and coal lands upon the payment of the Government price for all but homestead entries, and when commuted, even as to them, shows that it was never intended that the public domain should be held in perpetuity by the National Government or that Federal jurisdiction should ever be exercised with relation to it. The only exception to this course was an act of Congress of 1807, afterwards repealed, which provided for the leasing of lead mines, and that legislation was claimed to be justified on the ground that as lead was a munition of war the leasing system might produce a more certain supply for the Government.

STATES ADMITTED INTO THE UNION UPON EQUAL FOOTING.

Sir, it must be remembered that in the enabling act of Congress admitting each State into the Union it is provided that "the State, when formed, shall be admitted into the Union upon an equal footing with the original States in all respects whatsoever." The people of the original States obtained title to their lands in consideration of settlement upon them, the price named being a peppercorn or a penny.

This policy of disposing of the public lands instead of perpetually owning them was adhered to in the settlement of all the new States from the foundation of the Government until the Rocky Mountain region was reached. Settlement and development have been very difficult there. Daniel Webster described the country as "that vast and worthless area, that region of savages and wild beasts, of deserts, of shifting sands and whirling winds, of dust, of cactus, and of prairie dogs."

Gov. Spry, of Utah, in his speech at the conference of governors of the Western States, held at Denver on April 8, 1914, recited an instance where a company of 600 settlers—men, women, and children—in the early days started from Council Bluffs, Iowa, for a journey across the American desert. He said:

> They pulled their handcarts across the plains, and when they landed in Salt Lake City there were not more than 286 left of the original party. The rest, through hardship, privation, and starvation, had died and were buried along the route.

The percentage of loss was greater than that at the Battle of Gettysburg, yet a great Commonwealth there has been developed by a people who endured such dangers, struggles, and privations which has added untold wealth and power to the Nation.

Ever since settlement the people there have been handicapped by the great expense of getting their lands irrigated, by high rates of interest and by long railroad hauls, with consequent high traffic charges which they must pay in order to compete in the sale of their products in the eastern markets. If any part of the Union should be favored by a liberal land policy it is that far western country. Yet it is now proposed to change that policy and fasten upon the people of that section a system of tenantry, with its payment of rents and royalties. It is absurd to contend that one disposes of a piece of land, in the popular sense, when he leases it for a yearly rental. It is regarded as the surest kind of permanent retention and investment to own property bringing a good rental.

Mr. President, Ohio, Indiana, Illinois, Missouri, Kansas, and other States of the Mississippi Valley had the advantage of their natural resources without the payment of rents, and to withhold the same privilege from the Rocky Mountain States seems a clear violation of the enabling acts of these States. At the time these far Western States were admitted into the Union, each with the clause above quoted, it was and had been for almost a century the settled policy of the Government to dispose of by sale and not to hold in perpetuity the public domain in carrying out what was supposed to be the powers granted to the Federal Government. At that time and ever since no power existed in the President, or any other officer, permanently to withdraw from entry agricultural, grazing, mineral, or coal lands. The Rocky Mountain States had, therefore, the right to rely upon the same treatment as had been extended to the other public-land States; in fact, such fixed policy of equal treatment constituted an implied contract between the States and the Nation, which can not in good faith be violated. Is it right to abrogate it now?

The United States Supreme Court in Pollard's Lessee *v.* Hogan (15 U. S., 391; 3 How., 212), approved many times since, clearly shows the distinction between the sovereignty and jurisdiction of the Nation and the State with respect to the public domain and the temporary trust of the Government to dispose of the same.

The court says:

> We think a proper examination of this subject will show that the United States never held any municipal sovereignty, jurisdiction, or right of soil in and to the territory of which Alabama or any of the new States were formed, except for temporary purposes, and to execute the trusts created by the acts of the Virginia and Georgia Legislatures, and the deeds of cession executed by them to the United States, and the trust created by the treaty with the French Republic of the 30th of April, 1803, ceding Louisiana.
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> When Alabama was admitted into the Union on an equal footing with the original States she succeeded to all the rights of sovereignty, jurisdiction, and eminent domain which Georgia possessed at the date of the cession, except so far as this right was diminished by the public lands remaining in the possession and under the control of the United States for the temporary purposes provided for in the deed of cession and the legislative acts connected with it. Nothing remained to the United States, according to the terms of the agreement, but the public lands. And if an express stipulation had been inserted in the agreement granting the municipal right of sovereignty and eminent domain to the United States such stipulation would have been void and inoperative, because the United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain within the limits of a State or elsewhere, except in the cases in which it is expressly granted.

In the case of Kansas *v.* Colorado (206 U. S., 46) the United States Supreme Court approved the foregoing decision and held:

> That the Government of the United States is one of enumerated powers; that it has no inherent powers of sovereignty; that the enumer-

ation of the powers granted is to be found in the Constitution of the United States, and in that alone; that all powers not granted are reserved to the people. While Congress has general legislative jurisdiction over the Territories, and may control the flow of waters in their streams, it has no power to control a like flow within the limits of a State, except to preserve or improve the navigability of the stream; that the full control over those waters is vested in the State.

From this and other decisions it is clear that the Government never held title to these lands for its own use, such as a fee-simple title in an individual, but that it held them only in trust for the use and benefit of the citizens of the United States—not necessarily of the State—who might wish to locate, settle, and develop them. Not even residence in a State is required in order to locate and acquire patent to a gold, silver, copper, or lead mine, or a claim under the coal, timber, or stone acts, nor to obtain right of way for power plants. The right of a citizen of the United States to so locate claims constitutes the interest which every citizen of this country has in the public domain. It is truly a domain for the public. Is it right to change it?

PERPETUAL OWNERSHIP BY GOVERNMENT MEANS EXEMPTION FROM TAXATION FOREVER.

Mr. President, the act admitting each State into the Union provides that the public lands shall not be taxed. Perpetual ownership of lands by the Federal Government means exemption from taxation forever for State, county, and school purposes. It prevents a State from exercising that peculiar indicia of her sovereignty—the right to tax the lands within her borders to maintain her existence. Taxation for these purposes is the very agency by which a government, republican in form, as required of a State by the Federal Constitution, is maintained.

In this country we have a dual form of government, one for national and the other for local affairs. It is a partnership, with a division of duties as to government. Each is supreme in its own sphere. The cost of maintaining the State, county, and school governments in all of the 48 States is much greater than the expense of maintaining the National Government. It was never contemplated that either the Nation or the State should use its powers to the detriment of the other. The cost to the State of the public-school system is much more than that for State and county administration combined. The State educates its children for the purpose of making good citizens not only for the Commonwealth, but for the Republic. To be deprived of the necessary revenue on account of exemption of public lands from taxation defeats that very command of the Federal Constitution. It is therefore very essential to the existence of the State that the Government should hold these lands only in trust and only temporarily. It is true that by reason of the grants of lands by the Nation to all the States on admission into the Union, and the sale of those lands by the States, they get an income for school purposes; but it is insignificant—about $1.38 per annum for each child attending school in Colorado—compared to the enormous expenditures of the States for teachers and school buildings. If our Government were unital, instead of dual, the Nation would have to meet all the expenses of both, including that for a school system.

In the Rocky Mountain region the payment of taxes upon property for 30 years, together with reasonable interest on each yearly payment, equals the value of the property taxed. Consequently, when the lands privately owned must pay all the taxes for maintaining government over all the public domain, it is equivalent to the people there paying, in addition to their just taxes, a sum equal to the value of the public lands every 30 years. Thus the people of the public-land States, in carrying out the requirements of the Federal Constitution to maintain governments republican in form, indirectly pay for these lands every 30 years. Yet never do they thereby come into the ownership of a foot of them. Less than one-third of the lands in the State of Colorado and less than one-eighth of the lands in the State of Wyoming are in private ownership and subject to taxation, and in most of the other public-land States a similar condition exists.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Colorado yield to the Senator from Washington?

Mr. SHAFROTH. In one moment.

The Geological Survey at Washington has estimated that there are 371,000,000,000 tons of coal in the State of Colorado, enough to supply the world at the present rate of consumption for 300 years. More than nine-tenths of it is on the public domain, which the Government has estimated as of the value of more than $500,000,000. To deprive a young State like Colorado of the right to tax that and other lands held by the Government is to deprive the Commonwealth of the means of maintaining efficient State, county, and school government.

Sir, the State of Colorado pays into the Federal Treasury $5,000,000 a year, which is three times as much as it raises for its own State government. "Unto everyone that hath shall be given and he shall have abundance." A large part of that money is expended for battleships, which are not necessary to the defense of Colorado; for seashore fortifications upon coasts from 1,200 to 2,000 miles from our mountains; for river and harbor improvements, when there is no navigable stream in the State. The Colorado people do not complain of these expenditures, but they do contend that if in this partnership between the Nation and the State in maintaining a Republic the State pays its share, the Nation should not deprive the State of the means of maintaining government by exempting perpetually its public lands from taxation. If the United States is going into the leasing business, it should place itself upon the same basis as private citizens engaged in the same business. It should subject its lands to taxation.

I now yield to the Senator from Washington.

Mr. POINDEXTER. I would not have interrupted the Senator, but I was struck by his remark that Colorado is not interested in the building of naval vessels by the Government. I was particularly struck with it because I have heard the Senator make the same remark——

Mr. SHAFROTH. Mr. President, I believe in these expenditures, but I do say if we are to get comparatively no benefit, surely the Government ought not to deprive us of the means of maintaining our State government by exempting the public lands from taxation.

Mr. POINDEXTER. If we had no Navy, it would be very easy for a hostile force, if unfortunately we were ever attacked by one, to land on the soil of the United States and then Colorado would be called upon to aid in ejecting it.

Mr. SHAFROTH. I am not arguing against a navy. The only thing I am saying is that we have a dual form of government, and that in the formation of our Republic we have questions of national affairs and we have questions of State affairs, and when a State does its full share the Government of the United States ought not to cripple the States by exempting from taxation in Wyoming pretty nearly nine-tenths and in the State of Colorado two-thirds of its area.

Mr. SMITH of Arizona. And in Arizona one-half.

Mr SHAFROTH. In Arizona about one-half. I think it is more than that. And poor Alaska has simply one-fiftieth of 1 per cent of its area in private ownership, which throws onto those people who have private property taxation with which to maintain their schools and their local government over all the lands within its borders, and they can not do it if a leasing system prevails.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Montana?

Mr. SHAFROTH. Yes, sir.

Mr. WALSH. The State of Minnesota owns a large quantity of land containing valuable deposits of iron ore. It does not sell any of those iron-ore lands at all; it simply leases them. That State, so far as my information is concerned, and I shall be very glad to be corrected if the Senator has other information, is not complaining particularly because of the tenantry system of which he now speaks. Neither does it find any particular embarrassment in its power of taxation. The fact of the matter is, as my information is, that a very large portion of the revenues of the State are derived from the royalties received from those lands. Can the Senator tell us how, if the system is a good one in Minnesota, it is a bad one in Colorado?

Mr. SHAFROTH. It seems to me that that is in line with my argument. The State gets the revenue and for that reason it seems to me there is something in the position which the Senator has taken, but here——

Mr. WALSH. If the Senator will pardon me just one remark, what I desire to impress upon the Senator about Alaska is the fact that every dollar which comes out of this land——

Mr. SHAFROTH. Oh, in Alaska every dollar of it goes into the Treasury of the United States.

Mr. WALSH. Excuse me, it is for the payment of the expenses of constructing the railroads of Alaska.

Mr. SHAFROTH. I do not know what it may be applied to, but you can not be generous until you are just. You can not give railroads or anything else, and expect exactions, until you are just to the people, because the men who get the benefit of the railroads would not be always the same men who have to pay the tax.

Mr. WALSH. The act for the construction of railroads was passed in consequence of the eloquent pleading of the people of Alaska.

Mr. SHAFROTH. I have no doubt some of them did.

Mr. WALSH. And we are using the revenues derived from those lands to reimburse the expenditures from the Treasury.

Mr. SHAFROTH. Mr. President, I should like to enter into a controversy with the Senator, but I want to get through with this formal part of my speech, and then I will be willing to take up any question that he may want to present, because I propose to show you that every leasing system that has been undertaken by this Government has been a failure.

ROYALTIES WILL IMPOSE A GREAT BURDEN UPON OUR PEOPLE AND INDUSTRIES.

Mr. President, not only is it proposed to exempt forever natural resources from State, county, and school taxes, but it is proposed to subject our public lands and resources to the payment of rents and royalties, thereby increasing the burden upon our people—a burden which the National Government never imposed upon the people of any other State. "But from him that hath not shall be taken away even that which he hath."

Take the royalty on coal alone; if it is to be 10 cents a ton and the system a success, the people of Colorado will ultimately have to pay as royalty upon the 334,000,000,000 tons of coal upon the public domain within its borders $33,400,000,000, an amount equal to more than ten times the national debt at the close of the Civil War. Is that right, when none of the Middle or Eastern States have paid a cent in the way of royalty on their coal?

Sir, it is no answer to say that, as proposed in the leasing bills applicable to the States, the rentals will go into the reclamation fund and after that fund is reimbursed by the people of the West, 20 years after the completion of the reclamation projects—which usually take 10 years—that one-half of it will be paid to the State for school and road purposes, the State in the meantime exercising government over all these lands at its own expense.

That is a fine proposition—that the Nation shall tax a young and struggling State for that which it has never taxed any other State, and then after 20 or 30 years offer to return one-half of the amount so wrongfully extracted! Is that the equal treatment guaranteed by our enabling act?

Great Britain attempted to palliate her tyranny upon the Colonies by providing that all the duties imposed should be expended in America for its protection and defense; but our forefathers were not satisfied with such a transparent deception.

The amount of royalty for coal will be added to the price of that product several times before it reaches the consumer. Does that constitute "an equal footing with the original States in all respects whatsoever"? As the consumer pays the tax, it is practically a consumption tax. With what horror would the people of the East resent the imposition of such a tax on the coal consumed here.

The difference of 10 or 20 cents a ton on coal will often determine whether a manufacturing enterprise will be a success or a failure. Persons desiring to establish a factory will therefore often refuse to consider a location in a State that is handicapped by such exactions. Is it right to place any State at such a disadvantage in the struggle for industrial supremacy?

Mr. President, these considerations, it seems to me, condemn as wrong any governmental leasing system. The lands should be sold in order to carry out the objects of our dual form of government. In equity all of the sums realized above the minimum price fixed in the law should go to the States which have and must maintain government over the lands. It has been settlement and development by the people of those States that have given value to the resources. The lands had no value whatever from the time of the discovery of America until the people there created value by settlement and development. But if the Government is to refuse to recognize this equitable claim and contend that all of the people should share in the benefit of this trust, whether they help develop it or not, rather than have a leasing system forced upon us, let the Government sell the lands for what they are worth for its own Treasury, so that the State, county, and school governments can have the ordinary means contemplated by our Constitution for raising revenue by taxation upon all the lands within the borders of the State.

I therefore contend that it is not right for the Federal Government to impose upon a State or Territory a leasing system for the public domain.

II. IS A FEDERAL LEASING SYSTEM EXPEDIENT?

Mr. President, the chief object to be attained by a nation is the happiness of its citizens. In order to establish a leasing system for the public domain, it will be necessary to create and maintain a large bureau in Washington, with innumerable agents radiating therefrom. The people out West are thoroughly imbued with the idea, gathered from the Supreme Court decisions and the uniform policy of administration, that the public lands are held temporarily in trust by the Federal Government for all its citizens who will develop and improve them, and also with the idea that national sovereignty does not extend to lands within the limits of a State. They therefore look with jealousy upon any seeming infringement of those rights. These agents, like the Federal foresters, will nearly all be selected from other States. They will be regarded by the inhabitants as carpetbaggers, just as the foresters have always been so regarded. This feeling is bound to produce irritation between the agents and citizens, and hence destroy the chief aim of government in the localities affected. The most civilized country in the world can not give satisfactory government to a distant people, because their interests and aims are not identical. No satisfactory administration of a leasing system can ever be made by a bureau located 2,000 miles away. What seems to be justice to the agent appears to be tyranny to the citizen. A bureau obsessed with the importance of its work is always endeavoring to extend its field of operation and to enlarge its force. It is continually grasping for more power. I have heard it said that the former Chief of the Forestry Bureau stated that when the forest reserves were scientifically managed it would require 100,000 employees.

The Government is a much more exacting landlord than an individual. Its officers are not as liberal to tenants, because of the fear of criticism if they should waive provisions of a lease, which an individual landlord would concede without hesitation. There has always been an antagonism between landlords and tenants, and it is magnified when the Government is the landlord and the administration of the lands is conducted by a distant bureau.

DISTANT BUREAUS GENERALLY AGAINST THE PEOPLE WITH WHOM THEY DEAL.

No better illustrations of bureaucratic activity can be found than the efforts which the Forestry Bureau has made in the past to defeat the will of the people of the public-land States, and even the will of Congress itself. The law for the establishment of forest reserves by proclamation was enacted in 1891, at the instance of western Senators and Representatives, for the purpose of conserving the snow at the headwaters of streams in the mountains until summer, when the water would be needed for irrigation in the valleys below. No one ever dreamed that under that law the bureau would reserve mineral lands. Without regard to the original purpose, the bureau immediately began to urge the establishment under this law of enormous reserves, until now there are 186,616,648 acres included in forest reserves in the States, an area equal to that of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, and Ohio combined.

On June 4, 1897, early in the establishment of forest reserves, Congress, in order to limit the tendency then being manifested by the Forestry Bureau toward embracing great and unsuited areas in such reserves, passed the following law:

> No public forest reservation shall be established except to improve and protect the forest within the reservation, or for the purpose of securing favorable conditions of water flow and to furnish a continuous supply of timber for the use and necessities of citizens of the United States; but it is not the purpose or intent of these provisions, or of the act providing for such reservations, to authorize the inclusion therein of lands more valuable for the mineral therein or for agricultural purposes than for forest purposes.

Yet this bureau caused to be established in the State of Colorado forest reserves to the extent of 16,000,000 acres—recently reduced to 14,560,480 acres—an area equal to that of Massachusetts, Connecticut, and New Hampshire combined. Of that large area 40 per cent lies above timber line, where nature has decreed no timber can grow, and 30 per cent lies at that altitude where only scrub timber can grow. Thus in the forest reserves of Colorado only 30 per cent of the total area is suited for timber reserves. There was included within those reserves 65 per cent of the known mineral area of Colorado. Reforestation there is out of the question, as, according to a report of the Agricultural Department, it takes 200 years to grow a pine tree in Colorado 19.6 inches in diameter at an altitude of 7,500 feet above sea level, and three-fourths of our forest reserves are above that altitude.

Such abuses of power could only be found when exercised by a distant bureau. If the Government desires to plant trees let it do so on the plains, where under irrigation a growth of 1 inch in diameter per annum can be obtained. There is no danger of extinction of timber when such rapid replenishment can be made.

Sir, the western people protested most vigorously against such large reserves, and the Senate on February 25, 1907, passed a bill containing a clause—

That hereafter no forest reserve shall be created nor shall any additions be made to one hereafter created within the limits of the States of Oregon, Washington, Idaho, Montana, Colorado, and Wyoming, except by act of Congress.

The House concurred in the measure on March 3, 1907. It was well known for some days in advance that the bill would pass, yet the Forestry Bureau, contrary to the expressed policy of Congress, circumvented the operation of the law by inducing the President, on March 1 and 2, 1907, to create and enlarge in those States by proclamation 32 immense forest reserves, embracing millions and millions of acres of the public domain.

The Forestry Bureau was fully aware of the antagonism of the people of the West to these large reserves, and yet while that bill, guarding the interests of the Rocky Mountain region, was about to become a law it mapped out and described gigantic forest reserves and had them established by proclamation of the President two and three days before the President signed the act. That is the kind of government the people will always get from a distant bureau. It was the seizure of more power.

Mr. SMITH of Arizona. If the Senator will permit me——

Mr. SHAFROTH. I yield.

Mr. SMITH of Arizona. Is it not a fact that when Congress had the very bill to which the Senator refers under consideration, protecting those States from the Federal Government, after the passage of the bill by both Houses of Congress and while it was awaiting the signature of the President, before signing it the President made these reservations at the instance of the Forestry Bureau?

Mr. SHAFROTH. I have looked up the record, and I find they were very close together, but the withdrawal order was not signed after the bill reached the table of the President.

AS WATERS OF NONNAVIGABLE STREAMS BELONG TO THE STATES, GREAT WRONG FOR FEDERAL GOVERNMENT TO IMPOSE ROYALTIES FOR POWER GENERATED THEREFROM.

Mr. President, the Supreme Court of the United States has determined time and again that the National Government has no ownership of or jurisdiction over nonnavigable streams of a State, and that it only has a negative power as to the navigable rivers, which may be exercised only to prevent obstruction to navigation. In the arid West the law is that the man who first applies the water of a stream to beneficial uses, either for irrigation or for the generation of power, is entitled to priority of right to the use of that water, irrespective of State lines. The members of the Forestry Bureau contended for a long time that the National Government owned the waters in the streams upon the public domain, but when driven from that position by a citation of numerous decisions of the Supreme Court of the United States to the contrary they then sought to do indirectly what they could not do directly; that is, refuse to grant rights of way over public lands for the construction of canals and reservoirs for the generation of power without the payment of a royalty on the power created by the falling water. This policy is as unjust as it would be for the owner of land to demand an agreement for a percentage of the receipts of a railroad company before permitting the construction of the road through his land. It was by that indirect method that they in effect annulled the inherent power of sovereignty in a State called eminent domain by which rights of way can be condemned for great public enterprises. The distressing feature of it is that their decision is effective because a citizen can not sue his sovereign.

Sir, it was Secretary Garfield who, at the instance of this Forestry Bureau, two days before he retired from office, revoked 40 permits of power plants to transmit their water and electricity across public lands. In several instances the electric plants had cost millions of dollars and were then being operated. He, no doubt, thought he was doing right, but we believe he was doing a great wrong to our States.

The owners of water-power plants are simply public carriers to transmit the power generated to be used for commercial purposes. They are expressly declared by statute in Colorado to be common carriers; they are identically in the same position as railroads. That the rates of railroads or of power companies can be made reasonable by the States had been settled too many times to need citation of authorities. In Colorado water rates for irrigation have always been regulated under statute by county commissioners, and they never have permitted excessive rates. It is absurd to say that the legislatures of the States will not curb and prevent excessive prices for the transmission of electrical power. They are nearer to the people and respond more readily to their will than does Congress. If they fail to do so, it is the right of the people in most of the Rocky Mountain States, without action of the legislature, to initiate and enact statutes which will compel reasonable rates and the right to recall officers who fail or refuse to do their duty. In most of the Rocky Mountain States we have public-utility commissions for the purpose of regulating rates of common carriers. These laws constitute the guaranty that no excessive charges for electricity could possibly become permanent in those States. The people of our States are the only ones affected, and their wishes, and not that of a distant Federal bureau, should determine such a momentous question.

The withdrawal of water-power sites from entry for the past eight years has produced a paralysis in the development of that resource. In Colorado we have 4½ per cent of our water power developed. An active development was stopped by the order of withdrawal. It must be remembered that each horsepower generated by falling water saves the burning of 15 tons of coal each year. This resource has been locked up for eight years. That is conservation with a vim! But what further does it mean? According to the United States Geological Survey, the streams of Colorado are capable of generating continuously from 1,000,000 to 2,117,000 horsepower. By dividing the value of the products manufactured from power by the number of horsepower generated from all sources in the United States, according to the census reports, it is found that each horsepower produces products to the value of $1,148 each year, of which labor gets $524. Multiply those amounts by 1,000,000 horsepower, which is the lowest estimate of what can be generated by falling water in Colorado, and we have a possible product of the value of $1,148,000,000 a year and a pay roll of $524,000,000 a year. These results would be upon the basis that Colorado would use its power to the same advantage as the average of that used in the United States as a whole.

What a wrong has the Forestry Bureau perpetrated upon such a promising manufacturing State by causing the withdrawal of water-power sites entered under the law that is still upon our statute books!

DISTANT BUREAUS FOR ADMINISTRATIVE OFFICERS USUALLY APPOINT NONRESIDENTS.

Answering the appeal of the people of the West to be freed from "carpetbaggers' rule" in the administration of the forest reserves, the Congress of the United States on February 1, 1905, passed an act which contains the following:

SEC. 3. That forest supervisors and rangers shall be selected, when practicable, from qualified citizens of the States or Territories in which the said reserves, respectively, are situated.

Mr. WEST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. SHAFROTH. Yes.

Mr. WEST. I noticed that the Senator from Colorado a few moments ago used the expression "carpetbagger."

Mr. SHAFROTH. Yes, sir.

Mr. WEST. I thought that was a term that the South had appropriated long years ago.

Mr. SHAFROTH. No; I do not think so.

It can readily be seen how startling to the West was the Associated Press dispatch announcing the appointment of the supervisors of the Forestry Bureau upon its reorganization, which read as follows:

WASHINGTON, *October 7, 1908.*

The district foresters who will be in charge of the six field districts of the Forest Service beginning January 1 next have been selected by United States Forester Gifford Pinchot.

They and their headquarters are as follows:

District 1. Missoula, Mont., W. B. Greeley, California.
District 2. Denver, Colo., Smith Riley, of Maryland.
District 3. Albuquerque, N. Mex., A. C. Ringland, of New York.
District 4. Ogden, Utah, Clyde Leavitt, of Michigan.
District 5. San Francisco, Cal., F. E. Olmstead, of Connecticut.
District 6. Portland, Oreg., E. A. Allen, formerly State forester of California.

Why is it that in the great State of Colorado, with its four-fifths of a million of population, with thousands of citizens familiar with our forests and mines, the Federal bureau should have to go to Maryland to find the district forester to administer the reserves of that Commonwealth? Why is it that Mr. A. C. Ringland, of New York, 2,000 miles away, must be brought to Albuquerque, N. Mex., to control the administration of forests, with which he could not have been one-tenth as familiar as many of the inhabitants of that locality? For what reason should Mr. Cyde Leavitt, of Michigan, be imported into Utah for the administration of forest affairs there, when there are thousands with better knowledge as to their preservation and care living in that State? And why should Mr. F. B. Olmstead, of Connecticut, be taken clear across the continent to California to control the reservations of that Commonwealth? Of the six district foresters not a single one appointed was from the State in which the forest reserves under his jurisdiction are situated. Furthermore, the bureau

appointed more than three-fourths of the foresters and rangers from States other than those in which the reserves are located. All of which was in plain violation of the act of Congress. That is the kind of rule which generally follows from bureaucratic government administered from afar.

It would take hours to tell of the individual wrongs which have been perpetrated upon the people of the Rocky Mountain States by the employees of the Forestry Bureau.

RULES OF DISTANT BUREAUS ARE OFTEN UNREASONABLE AND RETARD DEVELOPMENT.

Mr. President, the rules of the Forestry Bureau contain requirements which produce such hardships upon the prospector and miner as to make prospecting difficult and harassing. We who live in Colorado and know its great wealth in precious metals are confident that it was the extension of forest reserves over so much of our mineral region, and these unjust rules, that reduced our metalliferous miners, according to the United States Census reports, from 40,111 in 1900 to 19,568 in 1910. Gov. Ammons, of Colorado, before the Committee on the Public Lands of the House of Representatives, on April 21, 1914, said:

Since the blanket of forest reserves was thrown over the entire mountainous and mineralized district of Colorado, new development has practically ceased. Not a single new valuable mining camp has been opened since that time.

Before patent can be obtained a forester inspects the mine to see if the passing of title to the claim will interfere with the forest reserves. After the miner has completed the required $500 worth of work on his claim, a so-called expert is sent there by the Government to determine whether the development indicates that it will make a paying mine, and if he reports that it will not, then patent will not issue. If there is one thing which, above all others, insults and outrages a miner it is a determination by a so-called scientific man that the prospector's judgment is wrong—that the mine which contains the hope and aspiration of his life can not be made a paying producer. It has been the miners and not the scientific experts who have made the discovery of mines on the public domain. They are the ones who have risked their money, and if they are willing then to pay the Government price for the land, their judgment as to its becoming a paying mine should be conclusive. Geologists determined that it was impossible to find gold in the formations at Cripple Creek, Colo., and yet the working prospectors discovered and developed a district which has produced more than $300,000,000 in gold. The great Portland mine of that district had not sufficient indication to determine it would become a paying mine until its prospectors, discouraged by results, concluded to end the season's work by one great blast of all their dynamite. That blast revealed a vein which has produced many millions of dollars in gold. It is this rule which has made it unsafe to lend money on a mining claim until patent is obtained, and thus the ability of the prospector to develop his mine has been destroyed.

It was claimed that these rules were made severe so as to prevent occupation of forest reserves; that it was impossible to preserve forests if the reserves were occupied by miners or settlers. When forest reserves were first created no miner or homesteader was allowed to make a location or entry upon them. It was only by the action of Congress, on June 4, 1897, that mineral entries upon them were allowed. But even after that, and until the passage of the act of Congress of March 4, 1907, each of the proclamations ended with this clause:

Warning is hereby given to all persons not to make settlement upon the lands reserved by this proclamation.

These proclamations were posted around the borders of the reserves. What a kind invitation it was to the prospector and miner to stay out! No wonder our metalliferous miners in Colorado have decreased more than one-half.

COAL LANDS ILLEGALLY WITHDRAWN IN ORDER TO FORCE LEASING SYSTEM.

This is one of the bills which will produce that result. About 1906 the President, at the instance of the Forestry Bureau, in order to force a leasing system upon the coal lands, withdrew from entry all the coal lands upon the public domain. In his annual message to Congress in December, 1906, he says:

It is not wise that the Nation should alienate its remaining coal lands. I have temporarily withdrawn from settlement all the lands which the Geological Survey has indicated as containing, or in all probability containing, coal—

Mr. SMITH of Arizona. That was done without the slightest right.

Mr. SHAFROTH. There was not the slightest right of permanent withdrawal. There was no law which provided for it; but it remained that way, and there is now no clause or statute on the books except that which gives a temporary right—

The question can be properly settled only by legislation which, in my judgment, should provide for the withdrawal of these lands from sale or entry save in certain exceptional circumstances. The ownership could then remain in the United States, which should not, however, attempt to work them but permit them to be worked by private individuals under a royalty system, the Government keeping such control as to permit it to see that no excessive price was charged consumers.

The United States statutes at that time provided, and still provide, for the entry and sale of coal lands and not for leasing them. A withdrawal of such lands was, therefore, directly in violation of the law.

The bureau in Washington, knowing that a temporary order would not look fair if it continued long in effect, concluded to accomplish the result by a classification system for valuation and by placing such high values upon the coal lands—in some instances as high as $400 per acre—as would lock up the coal resources of the public domain and thereby force the people of the West to consent to a leasing system. The effect of that policy has been to give to the companies in Colorado that had patented coal lands the control of the market, which resulted in increased price of coal. On account of the high price placed upon coal lands by the Government only 1,240 acres were entered in Colorado last year. At that rate it would take 7,000 years to locate for development all of the public coal lands in that State.

These abuses arise not from the fact that officers were dishonest, for they were not, but because distance presents a different viewpoint; and, as the officers were in no manner dependent for their positions upon the people affected, their differences developed into antagonism and resentment. The West is practically solid against the policy that has been pursued by the Forestry Bureau and against the forcing of a leasing system upon the people.

PUBLIC-LAND STATES AGAINST FEDERAL LEASING SYSTEM.

Mr. President, in nearly every platform of the Democratic and Republican Parties of the States of the West for years there have been strong positions taken upon this question.

The State platform of the Democratic Party in Colorado in 1912 contained the following:

We denounce the policy of the Republican administration, which, having retarded our development, now proposes to withdraw all the remaining agricultural, grazing, and mineral public lands from all forms of entry, with the expressed determination of imposing upon the West a permanent bureaucratic rule and Federal leasing system of all the Government resources within our borders, and thereby disastrously retarding the development of our State and depriving our Commonwealth of its just and constitutional rights.

The State platform of the Republican Party of Colorado in 1912 contained the following:

We condemn the policy of extreme conservation inaugurated by President Roosevelt, James A. Garfield, Gifford Pinchot, and other extremists, and we insist that the public lands and resources of this State should be so administered as to place them in the hands of actual settlers and those who would develop them at the earliest possible moment and without undue and unreasonable restrictions. We are unalterably opposed to the petty and annoying interference by vast numbers of Government employees, operating under bureaus at Washington, as such conduct prevents and has prevented the development of the mining resources of the country, has retarded the utilization of its water powers, and has driven settlers to seek homes in Canada and elsewhere.

We affirm that the water of every natural stream within this State is the property of her people and that the right to use the same within the State for beneficial purposes is unlimited, and we condemn the efforts of the Reclamation Service and the Interior Department to prevent the utilization of the waters of our streams by the people of this State as unwarranted, unjust, and unauthorized by law.

Not a word about a leasing system is mentioned in the Democratic national platform of 1912, but there is a declaration therein as to disposing of the public domain. The platform says:

The public domain should be administered and disposed of with due regard to the general welfare. Reservations should be limited to the purposes which they purport to serve and not extended to include land wholly unsuited therefor. The unnecessary withdrawal from sale and settlement of enormous tracts of public land, upon which tree growth never existed and can not be promoted, tends only to retard development, create discontent, and bring reproach upon the policy of conservation.

Mr. WALSH. Mr. President, are we to understand that the Senator takes the position that leasing is not included in the expression "disposed of"?

Mr. SHAFROTH. Who ever heard of lands that are leased being disposed of? It is the best form of permanent investment a man can have.

Mr. WALSH. So that the Senator says that leasing is not included in that expression?

Mr. SHAFROTH. You can put that construction upon it, but I do not think it is a fair one. It may be that a judicial construction has placed that interpretation upon it; but when it comes down to an ordinary person to whom you might present the matter, he will not look upon it in that light.

Mr. WALSH. Let me inquire of the Senator from Colorado if the Supreme Court of the United States has not decided that leasing is a disposition of the public domain?

Mr. SHAFROTH. I do not know that it has used that word. There is generally a tendency upon the part of the courts, when a case arises as between the Government and an individual, to extend the power of the Government, and it can readily be seen that although leasing is not a final disposition it is a disposition for a short time, and they can easily say that, and thereby uphold the Government; so that technically that meaning might be attached to it; but here we are entering upon a policy which, it must be admitted, is going to be a permanent policy upon the part of the Government, to withdraw its lands forever and keep them in public ownership. That, it seems to me, is not right. I am not discussing the constitutional question; I am discussing the question of whether it is right.

Mr. WALSH. I would not have interrupted the Senator at all, except that I understood the course of his argument to be that not only was this legislation not sanctioned by the Democratic platform, but that the use of the words "disposed of" negatived the idea of a leasing system.

Mr. SHAFROTH. I believe that question came up where there was a lease of five years, and the court held that that was not a disposition, because the Government could, as a matter of fact, after the five years dispose of it again. While it is perhaps true technically, I submit that if you are going to have a permanent policy of holding these lands, it is not in my belief a compliance with the terms of the Democratic platform.

Does disposing of the public domain mean holding it for yearly rentals? Is a leasing policy a compliance with that platform declaration?

In the Republican national platform of 1912 we search in vain for an indorsement of a leasing policy, but we do find therein an indorsement of a policy of disposition of the public lands in the following:

> We favor such fair and reasonable rules and regulations as will not discourage or interfere with actual bona fide homeseekers, prospectors, and miners in the acquisition of public lands under existing laws.

Does acquisition mean leasing? Is not a change from acquisition under existing law to a leasing system under a new law a violation of the party pledge?

The legislatures of most of the Rocky Mountain States have protested by resolutions against a leasing system for the resources of the public domain.

The last General Assembly of the State of Colorado on March 8, 1913, addressed a joint memorial to Congress, reciting the wrong that had been perpetrated by the officials at Washington in attempting to control the public-land policy of the West. In the resolution we find the following:

> We deny that it is right or advisable for the Federal Government to retain the title to and lease the public lands for any purpose.
>
> * * * * * * *
>
> Nearly all of our metalliferous lands have been included in the forest reserves, since which time not a single important mining camp has been opened. The unwarranted interference by the Forest Service is largely responsible for the falling off of millions of dollars in the annual metal output. The man who is willing to put his labor and money into the development of a mining claim is the person best fitted to classify the land and should be permitted to acquire it.
>
> We venture the assurance that if 40 years ago the forest reserves had been established neither Leadville nor Cripple Creek nor a score of other mining camps would have been discovered and developed.
>
> * * * * * * *
>
> The private-owned land in the State is scattered promiscuously among the Federal-owned land, and there can be no hope of harmonious action or good feeling through the intermingled double jurisdiction over our territory.
>
> The Government purposes, as a landlord, to go into almost every kind of a business within the State on untaxed property in competition with private-owned and taxed property. The public business does not need to pay expenses, but the owner of the private property must pay taxes to make up the loss of his Federal competitor. The Federal Government engaging in business as a proprietor must necessarily occupy a contractual relation with the citizen, under which the Government may enforce its contract against the citizen, whereas the citizen may not enforce his contract against the Government.

Mr. President, the governors of nine of the Rocky Mountain States assembled in Salt Lake City in June, 1913, and declared against a leasing system by the Federal Government. Again, the same governors met in Denver in April, 1914, and declared in favor of entry and sale of the public lands, so they could become the subject of taxation by the State. They appointed two governors to present their objections to the Public Land Committees of the Senate and House. Gov. Ammons, of Colorado, before the House committee, condemned for four hours the proposed policy, and Gov. Spry, of Utah, made a strong and vigorous protest before the Senate committee.

To show the intense feeling that exists in the West against a leasing system, I quote a paragraph from an article in Mining Science for July, 1914, by Mr. Chester T. Kennan, an engineer, who lives in a mining locality surrounded by forest reserves, which reads as follows:

> During the sinister progress of this long-drawn-out campaign for bureaucratic autocracy the musty air of mediaeval tyranny has become ever thicker and more suffocating to western nostrils. Consistently with their purpose, the most strenuous efforts of the bureaucrats have been exerted to retain the public domain in a state of nature, to prevent development, and to prevent the public lands from passing to private ownership until such time as they could prevail upon Congress to have the Central Government seize the public domain and make the bureaucrats administrators of the vast estate.

Is it expedient in view of this intense feeling to force upon the Rocky Mountain region a system of leasing the resources of the public domain within the limits of their own States contrary to what they believe is best for their prosperity and happiness? Will it not destroy the chief end of government—the happiness of its citizens in the localities affected?

NO DANGER OF WASTE OR MONOPOLY OF THE NATURAL RESOURCES OF THE WEST.

It is said that the leasing system is necessary to prevent waste and monopoly. It is absurd to contend that the owner, whose interest is to conserve, will waste more than a Federal agent, who has no interest in the property. Why do the conservationists assume that the National Government will prevent and that the State, whose citizens will be the victims, will permit monopoly? Experience does not sustain their theory. The National Government has voted 43 railroad grants, donating 155,504,994 acres of the public lands, an area greater than that of all the 13 original States as now constituted. If any Rocky Mountain State had acted in such reckless manner, it would have been contended that its people were incapable of self-government. But even these extraordinary grants did not produce monopoly. The quantity of these natural resources is so large that it is almost impossible, even without any limiting legislation, for any holding monopoly to be created. Only 2⅝ per cent of the public coal lands in Colorado were taken up in 50 years under the liberal laws which prevailed previous to the withdrawal orders of a few years ago. There never has been any effective monopoly in the location and development of the natural resources of the West. Whatever tendency in that direction exists is in the acquisition, transportation, and treatment of the products, and thereafter in combinations in restraint of trade. The American Smelting & Refining Co. does not own or work mines to any appreciable extent. The Standard Oil Co. does not acquire or operate oil wells in any great number; they buy and control the products and the treatment and transportation thereof. A leasing system by the Government would not in any way prevent those conditions.

Mr. WALSH. Mr. President, if the Senator will pardon me, there is an impression abroad that the Colorado Fuel & Iron Co. is something of a monopoly in the Senator's State.

Mr. SHAFROTH. I will say as to that that I have been opposed by the Colorado Fuel & Iron Co. perhaps as much as any person in public life in Colorado, and I want to say that they have participated in politics. They have cast their votes against me almost unanimously, and yet I must say that there are 30 competing companies in the State of Colorado to-day. While they are the largest one, there are others that are large. I can not find any agreement to control prices. It may be that prices are a little higher than they ought to be, but it is nothing more than we say against every large company. You have simply to point to them and say, "It is a monopoly," and some of the people will say, "Yes; it is."

Mr. WALSH. Can the Senator tell us about how many acres of coal land they own in his State?

Mr. SHAFROTH. Yes, sir.

Mr. WALSH. About how many?

Mr. SHAFROTH. They own in the neighborhood, I think, of 45,000 acres.

Mr. WALSH. Does the Senator think that is a good condition of affairs?

Mr. SHAFROTH. No; I do not think it is best; but it was done under the Federal Government itself. That is how it was done. It is the negligence of your own officers that has produced it. In another phase of this matter I will show that the coal of the United States is the cheapest in the world, and that as compared with the coal-producing countries that have a leasing system our prices are nearly one-half. But I want to finish this particular phase of the question.

The antitrust legislation just passed by Congress, we hope, will put an end to all forms of monopoly; but even if there is danger of monopoly as to the acquisition of the natural resources, the Government can prevent it by restricting the quantity of the remaining coal lands or other public lands which can at any time be held directly or indirectly by any corporation or person, and by providing forfeiture and penalties in case of violation.

I have introduced bills applicable to coal lands and water-power plants which I believe provide a complete remedy against holding monopolies or combinations. If a maximum holding

of the remaining public coal lands were fixed at 2,560 acres, as it is in Alaska, there is sufficient of such lands in Colorado alone to provide for 3,000 competing companies. How absurd it is, then, to assume that monopoly could exist under such statutes!

Mr. President, under our laws providing for the disposition of our natural resources the incentive of private ownership has produced a development unequaled in the history of the world. Mr. Horace W. Winchell, a distinguished mining engineer, in the Engineering Magazine of February 19, 1914, commenting upon the result to the United States of the liberal policy for the acquisition of our natural resources, said, with relation to our mineral products:

> It thus appears that a nation occupying less than 6 per cent of the continental area of the globe, and containing a little over 6 per cent of the inhabitants, produces approximately one-third of the mining products of the entire world.

Is it expedient, then, in view of the wonderful success of the policy of disposition of the public lands, to try a leasing system, which will produce among our people irritation and discontent, and which many confidently believe will cause stagnation and depression? I submit it is not expedient.

Mr. President, I have still to discuss the third phase of this question—is a Federal leasing system practicable? If the Senator desires me not to finish to-night, however, I shall be glad to yield for a motion to adjourn.

Mr. KERN. It is not desired to have an executive session.

Mr. SHAFROTH. What I have to say will take about half an hour.

Mr. SMITH of Arizona. There are a number of speeches yet to be made. Why not adjourn?

Mr. SHAFROTH. I prefer to finish my remarks to-morrow.

Mr. KERN. Mr. President, I move that the Senate adjourn until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 45 minutes p. m., Tuesday, September 22, 1914) the Senate adjourned until to-morrow, Wednesday, September 23, 1914, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *September 22, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord God, our heavenly Father, how long, O how long wilt Thou suffer Thy children to brutally slay and mangle each other, wrecking happy homes, breaking hearts, robbing the world of its young men, filling it with widows and orphans? Is it to teach us wisdom and how to apply it; common sense and how to use it; justice, mercy, brotherly love; the futility of war in this enlightened age; the wiser, saner, methods of settling national disputes by arbitration? May we be apt scholars. Arouse. O we beseech Thee, the higher, nobler in the minds and hearts of those who are responsible, that the effusion of blood, the demolition of the rich treasures which have come down to us out of the past may cease, and unholy strife give way to peace and concord; and everlasting praise we will ever give to Thee, in the name of the Prince of Peace. Amen.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. ADAIR. Mr. Speaker, I ask unanimous consent that I may address the House for about 35 minutes on next Friday immediately following the reading of the Journal.

The SPEAKER. The gentleman from Indiana [Mr. ADAIR] asks unanimous consent that on next Friday, immediately after the reading of the Journal, he be permitted to address the House not to exceed 35 minutes. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, of course I do not desire to object to the request of the gentleman from Indiana, but as it has not been decided finally just what the procedure will be in reference to the consideration of the revenue bill, and fearing it might interfere with that, I will ask the gentleman not to make his request at this time.

Mr. ADAIR. I was going to suggest that if it is found it will I would ask that the request be set aside.

Mr. UNDERWOOD. Well, with the understanding that it shall not interfere with any order made in reference to the revenue bill, I have no objection.

Mr. ADAIR. If it should, I shall ask that it be set aside.

Mr. UNDERWOOD. Very well, then, with the understanding it shall not interfere with the revenue bill.

The SPEAKER. The addendum of the request of the gentleman from Indiana is that it shall not interfere with anything pertaining to the emergency revenue bill. Is there objection?

Mr. MANN. Mr. Speaker, for the present I object.

The SPEAKER. The gentleman from Illinois objects.

RE-REFERENCE OF LETTER (H. R. 9017).

Mr. RAKER. Mr. Speaker, I ask unanimous consent that a letter from the Secretary of Commerce in reference to House bill 9017 be re-referred to the Committee on Military Affairs. By mistake it was sent to the Committee on Interstate and Foreign Commerce. This bill comes from the Committee on Military Affairs. I have seen the chairman of the Committee on Interstate and Foreign Commerce, Mr. ADAMSON, and he agrees with me that it should go to the Committee on Military Affairs. It is in reference to Alcatraz Island, and that committee reported the bill and an amendment is suggested by the Department of Commerce.

The SPEAKER. The gentleman from California [Mr. RAKER] asks unanimous consent that a letter of the Secretary of Commerce be referred to the Committee on Military Affairs. Is there objection?

Mr. MANN. Will that mean a reprint of this letter?

Mr. RAKER. It is the original letter.

Mr. MANN. I do not know; I imagine that has gone to the Committee on Interstate and Foreign Commerce. It has been printed and referred and the bill is now in the possession of the House and not the committee.

Mr. RAKER. All I ask is that the original letter go to the Committee on Military Affairs without reprinting. That committee has jurisdiction; that is all.

The SPEAKER. The gentleman from California asks unanimous consent that the Committee on Interstate and Foreign Commerce be discharged from the consideration of this letter and that the same be referred to the Committee on Military Affairs.

Mr. TALCOTT of New York. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from California if he has spoken to the chairman of the Committee on Interstate and Foreign Commerce in regard to this matter?

Mr. RAKER. I saw the chairman of the committee, Mr. ADAMSON, yesterday evening and talked over the matter, and he says that unquestionably it should have been referred to the Committee on Military Affairs.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

HOUSING OF WORKING PEOPLE IN FOREIGN COUNTRIES.

Mr. LEWIS of Maryland. Mr. Speaker, I desire to call up House resolution 604, which has been favorably reported by the Committee on Labor.

The SPEAKER. The gentleman from Maryland asks to call up privileged resolution 604.

Mr. MANN. Mr. Speaker, I shall not object if the gentleman will ask unanimous consent, but this is not a privileged resolution, because it is reported by the committee through the basket and not on the floor.

The SPEAKER. The gentleman from Maryland asks unanimous consent to call up House resolution 604. Is there objection?

Mr. MADDEN. Mr. Speaker, reserving the right to object, I would like to hear the resolution read for information.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 604.

Resolved, That the Secretary of Labor be, and he is hereby, requested to transmit to the House of Representatives any information now available in the possession of the Bureau of Labor Statistics concerning public aid for home owning and housing of working people in foreign countries.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I notice it requests the Secretary of Labor to furnish this information. If the gentleman will strike out that and make it "direct" the Secretary of Labor to furnish the information, I shall not object, otherwise I shall.

Mr. LEWIS of Maryland. I will accept that.

The SPEAKER. The gentleman from New York is entirely correct. The gentleman from Maryland, as far as he can, accepts that. Is there objection to the present consideration with that understanding?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I wish to inquire what is the purpose of this resolution?

Mr. LEWIS of Maryland. I will say to the gentleman from New York it is on the subject of home owning and housing of laboring and poor people in other countries, and under the superintendence and by the aid of the Government in many in-

stances, a subject which has received special study at the hands of the Department of Labor, and this resolution is intended to have published the investigation that has been made.

Mr. FITZGERALD. Why does not the Department publish the information?

Mr. LEWIS of Maryland. I will yield to the gentleman from Illinois [Mr. BUCHANAN].

Mr. FITZGERALD. And is not the purpose of this resolution to have this information published at the expense of the congressional allotment for printing and not at the expense of the allotment for the Department of Labor?

Mr. LEWIS of Maryland. I yield to the gentleman from Illinois [Mr. BUCHANAN], whose report it is, to answer the question.

Mr. BUCHANAN of Illinois. Mr. Speaker, I introduced the resolution for the purpose of securing this information for Members of the House.

I am of the opinion that this is a privileged resolution. I do not understand why it is necessary to have unanimous consent. Owing to the fact that the Department of Labor, on account of the urgent deficiency bill becoming a law so late that the bureau had not time to have this printing done, had to turn back some seven or eight thousand dollars of the money that was appropriated in the urgent deficiency law; therefore it is necessary to ask for this information. At this time the Department of Labor and the Bureau of Labor Statistics are short of funds, and therefore I do not know whether we can get the printing through them or not. They have a great deal of matter there to print, and this is information of such a character that it seems to me it is worth while to have it printed by the House.

I will say that this is a matter that will cost probably seven or eight hundred dollars. There are about 200 pages of it, but it is very important information for the benefit of the working people of the country. It seems that we ought to be able to obtain this information without objection. I do not understand, though, why it is necessary to have unanimous consent. It is a privileged resolution.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Mr. Speaker, it seems to be the practice of some of the departments of the Government to have resolutions of this character introduced so that the printing which should be paid for out of the appropriations made for the departments shall be paid for out of the appropriations made for the congressional printing. So far as I am concerned, I am going to object to every such resolution, and I object to this one.

Mr. LEWIS of Maryland. Now, Mr. Speaker——

The SPEAKER. Is there objection?

Mr. FITZGERALD. I object.

Mr. LEWIS of Maryland. Mr. Speaker, I call the resolution up as a matter of privileged character.

The SPEAKER. The House is operating under a special rule, and it takes unanimous consent to do it. If they ever get through with the conservation bill——

Mr. LEWIS of Maryland. Do I understand the matter is not privileged to-day because of the special rule?

The SPEAKER. Yes.

Mr. GARNER. Mr. Speaker, if the Chair will permit me, I wish to say that I doubt the correctness of that ruling. A resolution that is privileged can be called up at any time, or else by adopting a rule in the House you would cut out all the privileges of the House with reference to resolutions and other matters that are of the highest privilege. Now, as I understand, a point of order can be made against the resolution on another account, and that is that the committee has not reported the bill.

Mr. LEWIS of Maryland. It has.

Mr. GARNER. Just a moment. It was a report that was put in the basket rather than coming from the committee room. I will ask the gentleman from Maryland if that is correct?

Mr. LEWIS of Maryland. It is not necessary to answer that.

Mr. GARNER. I want the Speaker to consider the question of ruling that, as long as there is a special rule from the Committee on Rules directing that certain legislation may be privileged, if he is going to hold that during the existence of that rule no legislation of the highest privilege, for instance, a resolution of this character that might be privileged under the rules, can not come up? This legislation, to which the Speaker refers now, is of no higher character than other legislation might be that is privileged under the rules of the House.

Mr. BUCHANAN of Illinois. Mr. Speaker, if the gentleman will yield——

Mr. GARNER. For instance, if the Speaker will permit me, this special rule gives the legislation in charge of the gentleman from Oklahoma [Mr. FERRIS] no higher standing than a bill reported from the Ways and Means Committee or a bill reported from the Appropriations Committee, or any other committee of the House having the right to report at any time, and it does occur to me that a resolution having a privilege can be called up at any time that a gentleman can get recognition to call it up.

The SPEAKER. Now, here are the words of this resolution:

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration in the order named of the following bills, to wit—

And it goes on and names them. At last it says:

The order of business provided by this resolution shall be the continuing order of business of the House until concluded, except that it shall not interfere with Calendar Wednesday, Unanimous Consent, or District days—

And Friday was put in—

nor with the consideration of appropriation bills, or bills relating to the revenue and the bonded debt of the United States, nor with the consideration of conference reports on bills, nor the sending of bills to conference.

Mr. GARNER. In other words, this rule, as the Speaker construes it, excludes from consideration by the House the privileged matters to which I have referred?

The SPEAKER. The House deliberately tied its own hands, and the Speaker can do nothing except to construe it as the English language is ordinarily construed. And this is out of order for two reasons—that reason, and the one suggested by the gentleman from Illinois and repeated by the gentleman from Texas.

WITHDRAWAL OF PAPERS.

Mr. ROBERTS of Massachusetts, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Henry D. Moulton, House bill 17605, Sixty-third Congress, no adverse report having been made thereon.

EXTENSION OF REMARKS.

Mr. BUCHANAN of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the resolution just presented by the gentleman from Maryland [Mr. LEWIS].

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD on the resolution presented by the gentleman from Maryland. Is there objection? [After a pause.] The Chair hears none.

EXPLORATION FOR COAL, ETC.

The SPEAKER. Under the special rule the House resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16136.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16136, with Mr. FITZGERALD in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 16136) to authorize the exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] has two minutes remaining.

Mr. MONDELL. Mr. Chairman, I desire to be recognized to offer an amendment. I move to strike out section 23.

The CHAIRMAN. The gentleman from Wyoming is recognized to offer an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, pages 19 and 20, by striking out section 23.

Mr. MONDELL. Mr. Chairman, the section I have proposed to strike out refers to the ownership, by those who may come within the provisions of this act, of interest in selling agencies. I do not propose to discuss directly that section, but to discuss some features of sections 13 and 14. This bill has been referred to as a "leasing bill." Gentlemen have from time to time referred to this as a "leasing bill." I want to call attention to the fact that so far as it affects oil it is not, to any considerable extent, a leasing bill, and nine-tenths of the operations under it might easily be not operations looking to or in the way of a lease, but operations looking to and resulting in the securing of title in fee simple.

I would like to have the attention of my good friend from Wisconsin [Mr. STAFFORD], who yesterday talked about our passing leasing legislation. I hope that some day in the future he will not be charged with having supported a bill that contains more "jokers," and more dangerous "jokers," than any legislation placed upon the statute books since the notorious lieu-land law. I have been thankful many times that I was not in Congress when that act was passed. Had I been here I think I could have seen the "joker" in it, a "joker" under which millions of acres of the finest timberland in the country belonging to the Government were exchanged for lands that were largely worthless.

That act passed Congress at the suggestion of men who wanted to do the right thing, but who did not know what they were doing.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I can not yield now.

Mr. STAFFORD. It is incumbent upon the gentleman to point out the joker.

Mr. MONDELL. I will in the brief time at my command point to some of them. I want to call attention to the fact that, so far as this bill affects oil, it is not a leasing bill to any extent. [Applause.] It is, in some respects, the most wide-open bill for absolute fee-simple ownership that ever was considered on the floor of this House. [Applause.] If I had brought this bill before the House, I would have expected my motives to be impugned. I am not impugning anyone's motives; but, knowing what I know about public lands, I believe I would have been subject to the charge that I was attempting to give an opportunity to loot the public domain if I had brought in legislation of this kind.

What does the bill do? It provides, on page 9, section 13, that the Secretary is authorized to issue prospecting permits, and it provides that these prospecting permits shall include, if within 10 miles of a producing well, 640 acres or less; if beyond, 2,560 acres or less. The right given to the Secretary is one in regard to which he can exercise no discretion. The gentleman from Oklahoma [Mr. FERRIS] and the gentleman from Wisconsin [Mr. LENROOT] are laying the flattering unction to their souls, apparently, that when you give the Secretary the right to issue permits covering so much land within a certain distance of a developed well and so much beyond, the Secretary can withhold or grant, as he sees fit. He can not do it except under general rules. If eight men found a promising anticlinal more than 10 miles from a producing well, those eight men could cover that anticlinal for 16 miles along its axis. There are few anticlinals in any oil region that are valuable oil bearing more than a mile or so from the apex. Those eight men could get a patent to a mile wide along such an apex for 8 miles by drilling eight wells, and would pay nothing for the land. It takes eight men under the placer act to secure 160 acres. One man can locate four sections under this bill, and eight men, the number that would be required to locate one claim under the placer act of 160 acres, could cover an anticlinal, as I say, for 16 miles and secure patent for lands half a mile wide for that distance, or a mile wide for half that distance. You could cover under three or four of these 2,560-acre propositions all the valuable oil lands in any field.

And then what must be done? Drill one well on four sections of land, find some oil somewhere on one of the four sections, and get a fee title without paying a cent on a section, which need not be the section on which the well was drilled. [Applause.]

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. I ask unanimous consent, Mr. Chairman, to proceed for five minutes.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed for five minutes more. Is there objection?

Mr. FERRIS. Reserving the right to object, Mr. Chairman, I ask that debate on the amendment be closed at the expiration of 10 minutes, 5 mintues to be used by the gentleman from Wyoming and 5 by some member of the committee opposed to the amendment.

Mr. MANN. I want to offer an amendment to the paragraph.

Mr. FERRIS. On this amendment?

Mr. MANN. Yes.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that all debate on the pending motion be closed in 10 minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, under the present law, that has been denounced on this floor, it requires eight men to locate a 160-acre oil claim. Eight men must have an active interest to get 160 acres. They must discover oil on that particular 160 acres. They must pay $2.50 an acre to get it. They must continually prospect or develop to discovery, otherwise their claim is liable at any time to be taken from them. But under this proposed law one man can take 16 times as much as eight men can take under the placer law.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield for a question?

Mr. MONDELL. I regret I can not. I have only five minutes. I want to have the House understand this situation. Some gentlemen have thought that I was too liberal in my views in regard to land legislation. I am liberal when liberality means settlement and development. [Applause.] But I am not in favor of passing public lands into the hands of men without requiring development and without insistence upon development, and these provisions of this law can not be defended by anyone who understands what they mean. These provisions are an outrage. [Applause on the Republican side.]

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I did not appear before the committee on this matter. I did not have an opportunity to, although I requested several times the opportunity to appear. Gentlemen complain because I am taking time. If I had had a little time before the committee I would not have taken so much time on the floor. Gentlemen seem to think that the Secretary can say how many prospecting permits he can allow within a given territory. He can not do it unless he attempts to use the strong arm of his authority to make nugatory every provision in the bill. I can go beside a well gushing a thousand barrels in 24 hours, or 10,000 barrels, and with three others I can surround it with four 640-acre claims, and without doing anything but drilling one well on each—all in developed territory, possibly—we can get a section in fee of that land; and yet gentlemen tell us that this is an improvement on the placer act, which California operators did not like because it kept them busy, because under it they had to drill, because under it if they did not develop somebody would come along and develop it.

There never was—I repeat it, and I repeat it measuring my words—there never was a bill brought into this House that gave the wide-open opportunity for easily securing enormous grants of valuable lands that this bill does under those provisions under which the permittee may secure a patent to a section of land on which he may never have dropped a drill. The Secretary can not limit the number of permits granted in a given territory; he should not. Every man who wants a permit or a lease in good faith should have it. The evil follows under the patenting provisions of the bill; they should be modified or taken out. The bill should be made a leasing bill in fact as well as name.

I am not so tremendously tender about men securing rights to land on the public domain that I am disposed to shy at any reasonable legislation that gives men a right in fee simple, provided they settle, provided they develop. But this law gives these privileges without any requirement whatever except that somewhere on four sections of land a man shall have dropped one drill to oil. Under the present law in order to hold 2,560 acres there must be 16 claims. It is true that the same people may be interested in all the 16, but to hold it prior to patent 16 drills would have to be dropping if competition were lively. Every one of the quarter sections would have to be under constant development. Then the $2.50 an acre must be paid, and the long and tedious process of obtaining patents under the mineral laws gone through. Under this act you can go anywhere on the public domain within 10 miles of a developed well and secure your 160-acre patent and your 640-acre preference rights. Ten miles away you can get your four sections, and your section patented, and any gentleman who imagines that the Secretary has any discretion under that provision had better read the bill again. If he has any discretion, how shall he exercise it?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. I should like to have that question answered. [Applause.] The provisions for prospecting permits are not too liberal; the provisions in regard to leases are not liberal enough. The permittee should have a preference right to lease his land—all of it. This provision for patents has no place in a leasing bill, and in invoking it the rights of the lessee have been overlooked or curtailed.

Mr. LENROOT. Mr. Chairman, I am glad the gentleman from Wyoming [Mr. MONDELL] has relieved himself in the speech that he has just made. There is one thing that the gentleman from Wyoming lays no claim to, I think, and that is to being consistent. He has attempted to make the House believe that this bill as reported from the committee permits the looting of the public domain. If it does, the gentleman from Wyoming, from the time we commenced the consideration of this bill until we adjourned last Saturday night, was constantly offering amendments permitting greater looting of it than the bill itself permits.

Mr. MONDELL. Will the gentleman permit?

Mr. LENROOT. No; I have but five minutes, and the gentleman did not yield to me. The gentleman for the last five minutes has been trying to show that to permit a man to get a patent to 160 acres of oil land is a gross outrage, and yet when these provisions were under consideration by the Committee of the Whole the gentleman from Wyoming offered an amendment to give a man, not a quarter, but a half.

Mr. MONDELL. Oh, no; a lease.

Mr. LENROOT. No; I beg the gentleman's pardon.

Mr. MONDELL. The gentleman is entirely wrong. I have offered no such amendment.

Mr. LENROOT. I have the amendment; to strike out one-fourth and insert one-half.

Mr. MONDELL. I did offer that.

Mr. LENROOT. Mr. Chairman, the gentleman went on to say:

I do not entirely approve the provision contained in the bill, but if it is to remain in the bill it should remain in the bill in a form that will be workable. I do not believe that under the conditions which exist in the intermountain fields of Colorado, Utah, or Wyoming it will be possible to get men to go into the undeveloped regions or on the borders of regions already partly developed, with no hope of reward for their prospecting, their drilling, and their expenditure other than a patent for one-quarter section within 10 miles of a producing well or 640 acres elsewhere

And then he went on here for five minutes arguing that 160 acres is not enough to give a man in fee and that he ought to have 320 acres. Mr. Chairman, as a member of this committee, I have had a good deal of patience with the gentleman from Wyoming, but when he makes the speech he has just made, in direct contradiction to the position that he has taken throughout this debate, I have very little patience, indeed, with the argument that he makes. [Applause on the Democratic side.]

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I move to amend, on page 19, in lines 8 and 9, by striking out the words "or of the antitrust laws of the United States."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 19, lines 8 and 9, strike out the words "or of the antitrust laws of the United States."

Mr. MANN. Mr. Chairman, this bill provides for leases on the public domain for various purposes, and this section contains a provision prohibiting a lessee practically from being interested in a selling agent of the lessee's product, and makes a violation of the section a cause for forfeiture of the lease. In addition to that it says that a violation of the antitrust laws of the United States shall be ground for forfeiture. Well, the antitrust laws ought to stand for themselves. There is no more reason that I can see why you should threaten a proposed lessor by saying that if he violates the antitrust laws—and no one can tell in advance in many cases whether he is violating the antitrust laws—he shall forfeit his lease. Now, the antitrust laws are or, I take it, will be quite complete, in the opinion of the majority, when the Clayton antitrust bill becomes a law. Remember, you must get people to make this development if you want the country developed, if you want the coal mined or the gas or oil produced, and you must not threaten a man in advance by saying that if he unintentionally violates the antitrust laws he shall lose his property. I think that is too drastic, and the effect of it probably would be to retard development, while the antitrust laws of the United States will be sufficient to protect the interests of the people.

Mr. FERRIS. Mr. Chairman, I think the gentleman from Illinois is eminently correct in his position. I hope the committee will adopt the amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois.

The amendment was agreed to.

Mr. LENROOT. Mr. Chairman, I move to strike out the last word. Debate was limited upon the Mondell amendment, and I desire to say a little more upon the merits of the contention made by the gentleman from Wyoming.

The purpose of this bill in permitting a patent to 160 acres in fee is to induce discovery of oil, and it is granted upon the theory that that discovery should be rewarded, and with the provision that the remaining lands in a prospecting permit shall be leased is ample protection to the Government. The committee were confronted with this proposition: What is necessary to induce development? And in placing the amount at 160 acres it placed it at the smallest amount that the evidence before the committee showed would induce development; and the arguments made before the committee were exactly those used by the gentleman from Wyoming himself the other day in discussing this very proposition. He then said:

I do not believe it will be possible in many fields to secure development when the only hope that the driller has is that he may secure a patent, in the majority of cases, to the small area of 160 acres. One hundred and sixty acres, if it were a bonanza field, would be all right. There is not an oil field in one thousand that is a bonanza.

So he goes on making the argument that in order to induce development the reward must be ample. The committee recognized that and believed that the award of 160 acres was sufficient to induce development.

In reference to the gentleman's criticism of the bill as a whole, if any Member who has not already done so will take the bill from beginning to end he will see that the public interest has been safeguarded. True, broad discretion has been placed in the Secretary of the Interior, and it is also true that that discretion is necessary, but the committee will bear in mind that if, perchance, we should have a Secretary of the Interior in the future who should not have the public welfare in view, he could not give away the public domain so far as leasing is concerned. The most he can do is to make a lease for 20 years, and the title remains in the Government.

And so, Mr. Chairman, upon the merits of the proposition, as well as the argument made by the gentleman from Wyoming against his own contention made to-day, this bill, while it is not perfect, is as perfect a measure as the committee could devise.

I want to say one more word. The gentleman from Wyoming has a number of times referred to bills that he has introduced in the past relating to the public domain, and he has referred to the fact that some of us fought the bills he introduced. We did, and in every bill that was introduced you can find jokers enough that would give to private interests the public domain. The gentleman referred to the Alaskan leasing bill a number of times, and yet under the gentleman's bill that he tried to press through this House at that time it would have opened up every one of the Cunningham claims.

Mr. MONDELL. Mr. Chairman, the gentleman from Wisconsin [Mr. LENROOT] has absolutely misstated the Alaskan bill I reported. There was not a line or a syllable or a word in it, and I challenge the gentleman to find one, that would have thrown any claim in Alaska into the courts. All that the bill did was to leave these cases as they are, to be decided by the officials of the Interior Department, just as the bill you passed the other day did. When the gentleman makes a statement of that kind he ought to know what he is talking about, and he certainly does not in this instance.

Mr. LENROOT. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. LENROOT. Did not the gentleman's bill make all leases subject to vested rights?

Mr. MONDELL. It did not. My bill contained a provision under which a claimant occupying in good faith land, with a view of securing a coal title, to the amount of land he was occupying would have a preference right of lease. That meant if the man was in good faith, and that was to be determined by the Secretary, holding 160 acres of coal land—and that is all anybody could hold—he could get a lease of 160 acres. The bill which you passed the other day would allow the Secretary of the Interior to lease to Clarence Cunningham one-half of the lands of his original consolidated claim and to some other claimant the other half, and that is about what I expect will be done.

Coming back to our chestnuts, the gentleman says that the other day I claimed that the right to secure title in fee was not broad enough. The gentleman remembers this was the argument. I challenged that whole proposition. I said I did not believe in mixing a leasing bill with the granting of a title in fee. The bill I introduced did not grant a title in fee; it was purely a leasing bill. I then voiced some of the fears in regard to that provision I have now expressed.

The gentleman then said that the Secretary of the Interior could, in his opinion, exercise his discretion in such a way that only one of these permit rights could be acquired in a given territory. It was not my understanding of the bill; it struck me by surprise. If that were true, the bill did not give a discoverer enough, and so I offered an amendment to give him half. If one man only could get a permit within 10 miles—and that was the gentleman's argument—if the Secretary could say that only one man could get a permit within 10 miles of a well, and only one man beyond 10 miles, the grant of title in fee was not enough. But the fact is that this bill has no such limitation; in fact, such a limitation is ridiculous and absurd on its face; it would be unworkable.

If this law was in force and 10 men came along and asked for permits alongside of each other, the Secretary would be compelled to grant a permit to every one of them. The gentleman from Wisconsin shakes his head. How would you decide between them? By the color of their hair? By the fact that some wore false teeth? What rule could there be invoked under

which you could deny any one of 10 men, coming on an equal basis, making the same sort of application, a permit to prospect adjacent undeveloped territory? They would all have to be denied or none. In fact, none should be denied. The more drills that we can have dropping out in that country, in reason, the better. The fault lies in what follows under your bill.

So within the 10-mile limit there is no rule in the bill which contemplates the allowance of a permit to one, the denial to another. That is an imaginative theory that gentlemen have invoked here since we began the discussion of the bill. There is nothing in the bill that warrants it. The Secretary must grant to all who come under like circumstances and conditions, or he must deny all. You have given him no rule under which he can differentiate. There can be no such rule.

What people will do and are warranted and guaranteed in doing under the bill is to go into promising new territory and take it all up; divide it up among applicants; go into old territory and take all there is that anybody wants. It is true that there is one provision under which it would seem, reading that provision alone, that after land had been included in a permit it could not thereafter be included in another permit, but there is another provision of the leasing section that nullifies that provision, in my opinion; so I doubt if there is an acre over which the Secretary could not grant these permits that lead to patents. Now, this whole difficulty arises out of the effort to combine legislation granting a title in fee with legislation with regard to leasing. If we are going to lease, let us lease. That is what we have been talking about; that is what we have been proposing to legislate about; that is what we have, some of us, reluctantly accepted. If we are going to do it, let us do it. It is a simple thing. Give the Secretary the right to issue permits and let the permits ripen into leases if the operator is successful in getting outside districts. There can not be favoritism under that kind of a law. There must and will be development.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

SEC. 24. That any permit, lease, occupation, or use permitted under this act shall reserve to the Secretary of the Interior the right to permit for joint or several use such easements or rights of way upon, through, or in the lands leased, occupied, or used as may be necessary or appropriate to the working of the same, or of other lands containing the deposits described in this act, and the treatment and shipment of the products thereof by or under authority of the Government, its lessees, or permittees, and for other public purposes: *Provided*, That said Secretary, in his discretion, in making any lease under this act, may reserve to the United States the right to lease, sell, or otherwise dispose of the surface of the lands embraced within such lease under existing law or laws hereafter enacted, in so far as said surface is not necessary for use of the lessee in extracting and removing the deposits therein: *Provided further*, That if such reservation is made it shall be so determined before the offering of such lease.

Mr. LENROOT. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 20, line 3, after the word "lease," insert:
"That the said Secretary during the life of the lease is authorized to issue such permit for easements herein provided to be reserved."

Mr. LENROOT. Mr. Chairman, this amendment possibly is not necessary, but it was thought wise to insert it in the Alaska bill, and I think it ought to be inserted here. The section provides that there may be a reservation in the lease reserving to the Secretary the right to permit an easement to pass through this land, but it does not affirmatively give the Secretary the right to issue such permit, and this makes it affirmative.

Mr. RAKER. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. RAKER. The reserved right does not definitely give the Secretary the power. We did that in the Alaska bill.

Mr. LENROOT. Yes; we did that in that bill, and this gives him the power.

The question was taken, and the amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I move to strike out the proviso beginning in line 20, page 19, down to the end of the section.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 19, line 20, strike out the proviso beginning in line 20 down to the end of the section.

Mr. MONDELL. Mr. Chairman, I do not intend to take up the time of the committee but a moment on this. I think the wisdom of this provision is doubtful. We have a lease under which, prior to the taking of the land for mining, the development of coal, oil lands, phosphate lands, the surface rights may be acquired, and I doubt if it is wise to have a provision of that sort after the operation begins. Of course, it is true that on one of these larger areas there may be more land than the operator needs, and yet after the operation actually begins I think in a majority of cases there would be likely a good deal of friction between the party who, after the operation, got the title and the original owner.

Mr. LENROOT. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. LENROOT. The last proviso provides that a reservation must be made before the lease is made.

Mr. MONDELL. My objection is giving the Secretary authority to do it. I have doubt of the wisdom of it. There might be cases where it would be wise for the Secretary to withhold some of the surface, but they would be so few that it is not necessary or wise to grant the Secretary this authority.

Mr. MANN. Mr. Chairman, suppose a man under this gets a lease for 640 acres for oil, what is to become of the surface? Assuming it is good agricultural land, what is to become of the surface?

Mr. FERRIS. A reservation can be incorporated in the lease, under the provisions of this section, so it can be used for agricultural purposes and passed to the tax rolls and used as other agricultural lands are.

Mr. MANN. The gentleman from Wyoming says it would not ordinarily be agricultural land; I do not know what the facts may be; I have not been in much oil territory, except passing through Ohio, where I know it is very good agricultural land, and down in Illinois it is better agricultural land than is found in the State of Wyoming. I notice this is only in the discretion of the Secretary.

Mr. FERRIS. Yes.

Mr. MANN. Suppose he does not exercise his discretion, then what is to become of the surface?

Mr. FERRIS. The thought of the committee and the thought of the department was that if it were hilly, broken, worthless land no one would want to use it for agricultural purposes, and there was no use to cumber the lease with the provision reserving the surface and the friction that might arise and go with it. You can not lay down a fixed rule and say in all cases where you find oil it is not agricultural land, because on the bald territory of my State, where lands are good agricultural lands, we often find the very best oil.

Mr. MANN. What I want to get at is this: Suppose you make a lease, is this a lease of the land or a lease of the privilege of taking the oil?

Mr. FERRIS. It can be either one or both. You can lease for deposits where the surface is of value, and where the surface is of no value you can lease for both.

Mr. MANN. Why not provide under this bill you only can lease the right to take the deposits? You do not provide even on coal lands that the man would have the right to farm the surface.

Mr. FERRIS. We did that in both the Alaska bill and the power bill, and in this bill we have reserved the right for the Government to reserve the surface for agriculture or lease all as it deems advisable.

Mr. MANN. He could not secure the right to lease the surface?

Mr. FERRIS. No——

Mr. LENROOT. That is, with the deposits.

Mr. FERRIS. Yes; with the deposits; that is true. In all three of these bills that right is preserved.

Mr. MANN. I doubt very much whether the gentleman is correct about that. Here is a piece of land, a section, and you charge so much royalty for whatever you mine from it, and charge so much rent per acre. Now, that charge is the same whether you lease the surface or do not lease the surface.

Mr. FERRIS. That is true.

Mr. MANN. My recollection is that you only allow the use of the surface to such an extent as would be necessary for the operation of the business.

Mr. FERRIS. That is in the event that the surface is retained for agricultural purposes, and the fact that we charge a rental per acre would not make any difference whether the surface was retained or not. You might as well say——

Mr. MANN. What I wanted to get at is this: It is perfectly patent that if the surface can be used to any advantage somebody should be permitted to make use of it.

Mr. FERRIS. Precisely.

Mr. MANN. Either it should be given to the lessee, who can make use of it for any purpose he pleases, or else the right should be reserved to the Government to let anybody else make use of it. While you say the land is not valuable, there is very little land of that kind that will not be valuable for agricultural purposes, or grazing purposes, or the raising of timber, or something of that kind. There ought to be no question about it.

Mr. LENROOT. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. LENROOT. In the case of coal or oil, the option is expressly given to the Secretary to lease the lands or the deposits. In the case of phosphates it is the deposit only.

Mr. TAYLOR of Colorado. It provides for it being taken by legal subdivision. They would not lease it by metes and bounds.

Mr. NORTON. Mr. Chairman, I move to strike out the last word. If I understand the provisions of the bill rightly—and I would like to inquire of the chairman of the committee concerning his interpretation of this feature of the bill—it is this, that if a permittee makes application for a permit for 2,560 acres, and sinks a well of 500 feet on the 2,560 acres, and discovers even a small amount of oil, then under his permit he is entitled to a patent to 640 acres of land? Is that right?

Mr. LENROOT. That is, outside of the 10-mile limit.

Mr. NORTON. Now, what is the character of the patent? Is it an unlimited and unqualified patent in fee simple to the land?

Mr. FERRIS. Yes.

Mr. NORTON. I want to say to the committee that if such is the provision of this bill, from my experience in the West I am inclined to believe that large tracts of this land will be gobbled up fraudulently and through mere pretensions of explorations for oil. Thousands of acres of Government land in California, Wyoming, Colorado, and in my own State, under cover of such provisions of this bill, will be taken up and title acquired thereto solely for their value as grazing lands.

Mr. RAKER. Will the gentleman yield right there?

Mr. NORTON. Not just now; in a moment. I can see, then, in this bill the widest latitude for fraud in acquiring title to Government land for grazing purposes in the West, and these lands to-day are worth from $4 to $10 an acre, not for actual farming, but for grazing purposes. And I trust that the bill will not be passed in its present form. I see no reason why title to the surface should be given to one who in good faith desires to use the land for exploring it for oil or for gas.

Mr. FERRIS. Will the gentleman yield right there?

Mr. NORTON. Yes; certainly.

Mr. FERRIS. Of course, the gentleman knows that the great bulk of the 700,000,000 acres of land that yet remains unentered in Alaska and the western part of the United States has not any great value unless something of that sort is discovered. Now, if we offer an inducement, which is 640 acres in fee outside of the 10-mile limit, and 160 acres within the 10-mile limit, and if the Government receives back three-fourths of the area prospected and developed so it becomes known oil territory of value, does not the gentleman think that in converting of land that is not worth more than $1.25 an acre for grazing or pasturage purposes into known oil land the Government will be ahead?

Mr. NORTON. If it all came true as the gentleman pictures it, it would. Will the gentleman tell me what there is in this bill to protect the Government against a case of this kind? A man takes out a permit for 2,560 acres; he sinks a well 500 feet deep on it. In that territory there is some oil, but not oil of any considerable commercial value. He immediately gets title to 640 acres. He abandons his permit or lease to the balance of the land when he has secured title in fee simple to 640 acres. Another man joins him, and they proceed to acquire title to this land, as I predicate, for grazing purposes. This man also takes out an oil permit for 2,560 acres, the three sections that were abandoned by the first permittee and an additional section. He sinks a 500-foot well and proceeds to acquire title to 640 acres in the way the first permittee did.

Mr. FERRIS. It becomes known territory, and that in the immediate range of production, and it is only leased, and no patent given for those areas. It is only for operating under the permit in unknown territory where you get any patent at all.

Mr. NORTON. Such land reverts to the Government, does it not, when it is abandoned, and it is then land within 10 miles of a known oil well and subject to all the provisions of this bill?

Mr. FERRIS. But the Secretary is not going to include any prospector's permit for lands to be known as oil territory.

Mr. NORTON. I am not a prophet nor the seventh son of a prophet, but I predict that is what will take place under the provisions of this bill if title for 160 or 640 acres of the surface is given to any permittee who may drill an oil or gas well to a depth of not less than 500 feet.

Mr. LENROOT. Assuming that is true, does the gentleman know how much it would cost to drill a 500-foot well?

Mr. NORTON. Yes; I think I have a fair idea of such cost.

Mr. LENROOT. About how much?

Mr. NORTON. It would cost in an ordinary section of the country less than $1,000.

The CHAIRMAN. The time of the gentleman from North Dakota [Mr. NORTON] has expired.

Mr. RAKER. Mr. Chairman, I do not really believe any explanation of this provision is necessary, but every idea of my friend who has just left the floor [Mr. NORTON] is refuted by the bill itself.

In the first place, as stated, after a well has been discovered it becomes known territory. In the next place, the bill permits the Secretary to reserve all the surface of the land if he so desires, even in the permit, so that, as a matter of fact, this bill, instead of throwing it open, as suggested by the gentleman, gives the Secretary of the Interior power to reserve every foot of the surface, so that it can be used for homestead and grazing purposes.

Mr. Chairman, I ask that the Clerk read.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The question was taken, and the amendment was rejected.

Mr. MONDELL. Mr. Chairman, I offer the following amendment, which I hope the committee will accept.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 20, line 1, after the word "therein," insert the following: "and in carrying on the operations necessary or convenient in connection therewith."

Mr. MONDELL. Mr. Chairman, the provision which is contained in the proviso authorizes the Secretary to dispose of such portion of the surface as is not necessary for the use of the lessee in constructing and removing the deposits therein.

I assume that the Secretary, exercising that discretion, could exercise it as he saw fit, and that he could exercise it in the broadest way. But in addition to the lands needed for the purpose of mining and removing the deposits, lands will be needed in connection with all these operations for purposes convenient and necessary in connection with the operations, in addition to the lands needed for the actual operations of mining or drilling. It is generally necessary to provide houses and offices and buildings of one sort and another in connection with the operation, in addition to the structures actually necessary for the removing of the mineral product; and my amendment proposes to add these words as a guide to the Secretary in the exercise of his discretion. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 25. That no lease issued under the authority of this act shall be assigned or sublet, except with the consent of the Secretary of the Interior. Each lease shall contain provisions for the purpose of insuring the exercise of reasonable diligence, skill, and care in the operation of said property; a provision that such rules for the safety and welfare of the miners and for the prevention of undue waste as may be prescribed by said Secretary shall be observed, and such other provisions as he may deem necessary for the protection of the interests of the United States, for the prevention of monopoly, and for the safeguarding of the public welfare.

Mr. RAKER. Mr. Chairman, I offer the following amendment, which has been considered by the members of the committee.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from California [Mr. RAKER].

The Clerk read as follows:

Amend by adding, on page 20, line 11, after the word "observed," the following: "including a restriction of the workday to not exceeding eight hours in any one day for underground workers except in cases of emergency, provisions securing the workers complete freedom of purchase, requiring the payment of wages at least twice a month in lawful money of the United States, and providing proper rules and regulations to secure fair and just weighing or measurement of the coal mined by each miner."

Mr. RAKER. Mr. Chairman, I will not take up any of the time of the committee, except to say that this is the amendment prepared by the gentleman from Maryland [Mr. LEWIS], which was put upon the Alaska coal bill. Everyone seems to be in favor of this legislation, and the members of the committee, practically all of them, have gone over it and believe it ought to be adopted. It carries the same provisions as the Alaska coal bill. I am heartily in favor of this amendment. I ask for a vote on the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. RAKER. Mr. Chairman, I have another amendment which the committee has considered.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 20, line 6, after the words "Secretary of the Interior," insert the following: "the lessee may, in the discretion of the Secretary of the Interior, and upon a finding by the Secretary that such action will not be incompatible with the public interest, be permitted at any time to make written relinquishment of all rights under such a lease, and upon acceptance thereof be thereby relieved of all future obligation under said lease."

Mr. RAKER. Mr. Chairman, the members of the committee have gone over this amendment and have submitted it to the Secretary of the Interior, and he is in favor of it. Many of the miners or oil people have telegraphed in regard to it, and the object of it is that when a lease has been obtained, say, for 20 years, and the party desires to quit and surrender the land to the Government, when in the discretion of the Secretary of the Interior it is not incompatible with the public interest, and no damage or injury to the public will be done, the Secretary may accept it and the party be released, and the land is then opened for redisposition without any claims against it. That is practically the purpose of this amendment.

Mr. MONDELL. Mr. Chairman, I want to be recognized to support the amendment of the gentleman. I thought the gentleman was through.

Mr. RAKER. I think that is all I have to say in presenting the matter. It certainly should be adopted.

Mr. MONDELL. Mr. Chairman, I am glad that after a time the virtue of the suggestions that I have offered one after another soaks in. I called attention the other day, when another bill was under consideration, to the fact that there was no provision under which a lease could be surrendered, but little heed was given then to the amendment I offered. I am glad to support the provision now offered, although it is a lame, halting, and altogether inadequate proposition, because it does not provide specifically what the lessee must do, as my amendment did, and what he may not do—that he may not remove structures the removal of which would endanger the property; that he may remove all other improvements that are put upon the land that would not affect its value, and otherwise make provisions that are necessary.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. RAKER. This amendment would not permit the man to close up the well he had bored, and would not permit him to do any of the things that would be disadvantageous to the releasing of the land; but the Government's interests are protected in every instance. But if a man believes that he can not proceed in his own interest and presents the case to the Government, in the discretion of the Secretary of the Interior, where the interests of the Government will not be jeopardized, the Secretary can say to him, "All right, old boy, move off, without disadvantage to anyone, and we will permit somebody else to go on."

Mr. MONDELL. As a matter of fact, a man ought to be allowed to relinquish the lease at any time, if he leaves the property in good condition.

Mr. RAKER. There ought to be some restriction placed upon him.

Mr. MONDELL. While the gentleman's amendment is of such a character that under it the Secretary might make rules and regulations that would be satisfactory, yet it seems to me it would be better if we should definitely provide what may and what may not be done by the lessee. I propose to offer an amendment a little later to cover this matter of surrender of the lease. In the meantime I support the amendment now offered as a halting step toward remedying the defect I pointed out in another bill of this character—the Alaska bill.

Mr. MANN. Mr. Chairman, I should like to get a little information. This section provides that no lease issued under the authority of this act shall be assigned or sublet, except with the consent of the Secretary of the Interior. How is that consent to be given?

Mr. RAKER. If I may be permitted to answer, from going over it in the committee, and as thorough an investigation of this subject as one could well make, I think it must be evidenced by a document in writing.

Mr. MANN. Well, here is a man who wants to take a lease, or he has taken a lease, and he wants to open a mine. He probably will want to borrow money. He must give a mortgage upon his leasehold interest. Every time he wants to do that has he got to go to the Secretary and get a special permit?

Mr. RAKER. If he desires to encumber the lease in any way, I think so. That was the intention of the committee.

Mr. MANN. Then, the committee did not intend to have the Secretary make general regulations under this law, but every time that the lease is to be assigned or mortgaged he has to get the consent of the Secretary of the Interior for that special application?

Mr. RAKER. No; I will say to the gentleman that it is my view, and I believe the committee are with me in that view, that under section 31 general rules and regulations would be made in relation to encumbering the lease and the claim for specified purposes, namely, to obtain money for well material and other things that would assist in developing.

Mr. MANN. Evidently the gentleman does not have a well-settled opinion upon that, because when I first asked him he said it would be evidenced by a paper, a special permit. Now he says it is by general regulations. Which is it?

Mr. RAKER. When I answered the gentleman first I meant in relation to the work, which would have to be evidenced in writing, but my mind is clear upon the second question as presented by the gentleman.

Mr. MANN. I have asked only one question. Here is the provision—that the lease can not be assigned or sublet except with the consent of the Secretary of the Interior.

Mr. RAKER. I will answer that.

Mr. MANN. Let me ask it first. Is that consent to be given on a special application in each case where the lessor desires to borrow money, to make a mortgage upon his leasehold interest, as he will have to do in every case, probably, or is it to be a general regulation, where the Secretary gives consent in all cases for the borrowing of money?

Mr. RAKER. My view of the matter is that, as the question is propounded by the gentleman, there would be general rules and regulations covering all cases where the loan or subletting was for the purpose of developing the mine.

Mr. MANN. You could not have that. No one knows what the money is intended for. It seems to me it would be desirable to allow the lessor to exercise his own judgment as to whether he wanted to execute a mortgage upon the lease, giving some control to the Secretary if the mortgage is foreclosed, perhaps. I think that would cover it, anyhow. But to say that every lessor who wants to execute a chattel mortgage upon his interest must apply to the Secretary of the Interior, and, as we all know, go through a long rigmarole to have the application acted upon, may prove a denial of justice.

Mr. RAKER. As it appears to me—I am not speaking for the other members of the committee—it is provided in some of the other bills that the Secretary of the Interior would not permit general subletting or leasing for general purposes unless it was for the purpose of developing the claim. That is as it appears to me, and I believe that is the purpose of it. It would be a wrong thing to permit subleasing generally.

Mr. MANN. Then the gentleman's position, reduced to plain terms, is that if the lessor wants to borrow money and execute a mortgage upon his lease, he has not only got to show the Secretary how much money he wants to get, and the condition of the property, but he has got to demonstrate to the Secretary in advance what he is going to do with the money when he obtains it.

Mr. RAKER. No; I believe——

Mr. MANN. That is the position the gentleman stated.

Mr. RAKER. I believe the first statement is eminently correct, because those who desire to borrow money, where there is a public-utilities commission for such purposes, must show what they are borrowing it for, and what their plan is. Now, this is a Government concern, and a man ought not to be borrowing money generally upon his permit for outside purposes. But if it is, after he has permanently located his well, and it is a going well, and his finances are in proper shape, regular general rules and regulations ought to be adopted, and undoubtedly will be under this bill, so that he may do as the gentleman says.

The CHAIRMAN (Mr. PAGE of North Carolina). The time of the gentleman from Illinois has expired.

Mr. FERRIS. Mr. Chairman, the amendment offered by the gentleman from California [Mr. RAKER] is quite a far-reaching amendment, and I take it the House would like to know where it came from and how it came to be offered, and all those facts. I think I can give those facts, and then the House can determine for itself what it wants to do.

Several practical oil men came to me. Some of them were from California, and one or two, I think, were from Oklahoma. They called my attention to the fact that leases for oil lands, both Indian-land leases and private-land leases, contain a provision known to oil men as the right of surrender. In other

words, in the practical workings of oil development, as men go on the land and drill and try to discover oil, some of them go broke and have to quit and let loose of what they have done. In other instances they find little oil, not in paying quantities, and they are unable to carry it on. There are numerous reasons that may make it impossible for the lessee to go on with the contract. Now, they had an amendment which authorized the lessee to quit summarily whenever he wanted to, without any arrangement whatever. I told them that that looked unfair to me; that in a contract between the Federal Government and the lessee for oil, to allow the lessee to quit at any time, whether it was for the best interest of the Government or not, I thought was unfair. I sent the delegation to the Interior Department to see what they could do, and they had a conference. The Interior Department drafted the amendment which has been offered by the gentleman from California [Mr. RAKER] and just as he offered it. On that subject they go on to say that they do not think that they ought to have the right to relinquish the lease summarily and walk away, but they do say that if drafted in this language—that upon a finding by the Secretary of the Interior that his retirement or his relinquishment or surrender of the lease will not jeopardize the public interest in any way—he ought to have that right.

I do not feel keenly about it at all, but the House can see that after a man is broke and can not go any further with his drilling, or after the oil is exhausted, after the mineral is exhausted, he ought not to be required to pay an acreage rental on the land after it is all over; and if you do so, you make a man stand back at the initial point, and it serves as a barrier to development.

Mr. MANN. Will the gentleman yield?

Mr. FERRIS. Certainly.

Mr. MANN. I take it that no one will relinquish a lease as long as he thinks it is worth anything.

Mr. FERRIS. Not unless he goes broke.

Mr. MANN. He will not release it then unless he is denied the right of assigning it, and that probably would not be done. How long are these leases for?

Mr. FERRIS. Twenty years, with the privilege of 10 more.

Mr. MANN. During that time a man is required to pay, first, a royalty and then a rental.

Mr. FERRIS. Transpose it—first a rental, and then, if he gets oil, he pays a royalty.

Mr. MANN. He pays a rental and a royalty?

Mr. FERRIS. Yes.

Mr. MANN. If the oil or coal is exhausted during the period of the lease, he will not pay any more royalty, and this permits him to escape the payment of further rental?

Mr. FERRIS. It does. It is a question whether the House wants to do it or not. I have no feeling about it.

Mr. MANN. I am not saying that it ought not to be done. If he relinquishes, he loses any further rights in the land itself?

Mr. FERRIS. He does.

Mr. MANN. So that the Government can rent or otherwise dispose of the land.

Mr. FERRIS. It can make any other disposition it chooses. The lessee can only relinquish it after the Secretary finds that it is for the best interest of the Government to do it.

I called upon the Indian Office to see if they were right, and they told me that in leasing the lands in my State every one has a provision that the lessee can get out and surrender upon certain terms. Some of the leases differ as to certain provisions, but every one of them has a provision allowing the lessee to quit when the oil is gone.

Mr. MANN. Suppose the oil well is exhausted in 10 years' time——

Mr. FERRIS. That sometimes happens.

Mr. MANN. Suppose it fails and he has a lease requiring him to pay rental for another 10 years on land that is worthless. He is required to pay $1 a year rental, and that is on a basis pay of $20 an acre of the value of the property. Should the Government require him to pay that rental when he is making no use of the land? And yet it would not be for the best interest of the Government to permit the man to relinquish.

Mr. FERRIS. True; it is a concession to the lessee to allow him to surrender; and the Government runs the risk of being defeated and beaten out of a part of the rental.

Mr. MANN. The other man runs the risk. I do not see why it would not be perfectly fair for the man who is trying to get something out from under the surface of the soil upon which he pays a royalty, when he has finished and abandoned all there was, to say that it is all off. But this does not go that far.

Mr. FERRIS. They had an amendment that went that far.

Mr. MANN. I would go that far.

Mr. FERRIS. On the face of the proposition as it came to me, to say in a contract between the Government and the lessee that the lessee could drop everything and run looked like a one-sided proposition. I thought, and the Interior Department thought, that we ought to let the Secretary of the Interior make a finding that the interest of the Government would not be jeopardized. There might be a case where the operator would lose the control or where he failed to get money to operate.

Mr. MANN. I think it ought to be left to the discretion of the department, but to say that the Secretary must find that the relinquishment is for the best interest of the Government would forbid him to relinquish where the mineral was all exhausted and the surface of the land was not worth as much as $20 an acre.

Mr. FERRIS. That is true, too; that may be too drastic.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that the gentleman be allowed to proceed for one minute.

The CHAIRMAN. The gentleman from California asks unanimous consent that the time of the gentleman from Oklahoma be extended one minute. Is there objection?

There was no objection.

Mr. RAKER. Mr. Chairman, I want to say to the gentleman from Illinois that a number of people have telegraphed me in regard to this matter. I have some of the telegrams here, which I will insert in the RECORD:

LOS ANGELES, CAL., *September 17, 1914.*

Hon. JOHN E. RAKER,
House of Representatives, Washington, D. C.:

Referring to Ferris bill, House bill 16136, we earnestly request the assistance of yourself and other California Representatives on the addition of the following amendment, on page 14, line 25:

"And also with the right in the lessee to at any time make written relinquishment of all or any part of the lands held under lease, and thereby abate the rental pro tanto: *Provided*, That more than one lease may be granted to the same person, association, or corporation if the aggregate area does not exceed 640 acres."

JOHN BARNESON.
OPHIR OIL CO.
COALINGA NATIONAL PETROLEUM CO.
KERN RIVER DRILLERS OIL CO.
PETROLEUM NORTH MIDWAY OIL CO.
BANKLINE OIL CO.
ELLIOTT OIL CO.
MINORU OIL CO.
MURIEL OIL CO.

LOS ANGELES, CAL., *September 15, 1914.*

Hon. JOHN E. RAKER,
House of Representatives, Washington, D. C.:

Referring to Ferris bill, now on passage House, No. 16136, we urgently request the assistance of yourself and other California Representatives in adding the following amendment, or the substance thereof, on page 14, line 25, to wit: "And also with the right in the lessee to at any time make written relinquishment of all or any part of the lands held under lease and thereby abate the rental pro tanto: *Provided*, That more than one lease may be granted to the same person, association, or corporation if the aggregate area does not exceed 640 acres."

THE PETROLEUM CO.
THE YORKA OIL CO.
BRAND & STEVENS (LTD.).
C. L. WALLIS.

LOS ANGELES, CAL., *September 16, 1914.*

Hon. JOHN E. RAKER,
House of Representatives, Washington, D. C.:

Referring to Ferris bill, now on passage House, No. 16136, we urgently request the assistance of yourself and other California Representatives in adding the following amendment, or the substance thereof, on page 14, line 25, to wit: "And also with the right in the lessee to at any time make written relinquishment of all or any part of the lands held under lease and thereby abate the rental pro tanto: *Provided*, That more than one lease may be granted to the same person, association, or corporation if the aggregate area does not exceed 640 acres."

T. SPELLACY.

LOS ANGELES, CAL., *September 16, 1914.*

Hon. JOHN E. RAKER,
House of Representatives, Washington, D. C.:

Referring to Ferris bill, now on passage House, No. 16136, we urgently request the assistance of yourself and other California Representatives in adding the following amendment, or the substance thereof, on page 14, line 25, to wit: "And also with the right in the lessee to at any time make written relinquishment of all or any part of the lands held under lease and thereby abate the rental pro tanto: *Provided*, That more than one lease may be granted to the same person, association, or corporation if the aggregate area does not exceed 640 acres."

MIDWAY NORTHERN OIL CO.,
W. S. MCGIFFERT, *President.*
MARICOPA NORTHERN OIL CO.,
RUDOLF MAUSARD, *President.*

Mr. MANN. I think that would be going too far, but I do not see any objection to permitting the Secretary in his discretion to permit the relinquishment.

Mr. RAKER. But I suppose the amendment as it is now protects both about as well as we could.

Mr. LENROOT. Mr. Chairman, I move to strike out the last word. A moment ago there was some controversy between the gentleman from Illinois [Mr. MANN] and the gentleman from

California [Mr. RAKER] as to the construction of the first sentence of this section, as to whether the language "assigned or sublet" would permit the Secretary of the Interior by general rules and regulations to permit the assigning or subletting of leases. I understand the gentleman from California took the position that the Secretary might under such general rules and regulations give such permit. Of course what we say here about the provisions of the bill do not affect its legal construction, and yet whenever the Department of the Interior comes to administer this law they may probably be affected by what the understanding of the House was, and I want to say that I do not believe that that was the idea of the committee, nor do I think the proper construction of the language itself permits the construction given by the gentleman from California. I think under the language, and I think that was the thought of the committee, that in each case before a lease could be assigned or sublet there must be express permission for so doing, upon the theory that before the Government accepts a new lessee the Government should have something to say in the individual case as to who the lessee might be, because the Government would be interested in knowing whether the proposed new lessee was financially able to carry on the operation and comply with the terms of the lease. I merely wanted to say that because I did not wish by silence to let the record stand with the construction that I understand the gentleman from California gave to it.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. LENROOT. I will.

Mr. JOHNSON of Washington. Dropping back to page 10 for a moment, I wish to ask the gentleman, who is a member of the committee, regarding proposed oil leases on forest reserves and the final patent in case of the discovery of oil. If a man secures such a patent for 640 acres of land, will he be entitled to the other minerals which the land might contain, outside of those named in this bill—for instance, gold, copper, manganese, and other minerals that he knows to exist in the Olympic Forest Reserve, in western Washington?

Mr. LENROOT. I think he would.

Mr. JOHNSON of Washington. Does not the gentleman think that confirms the statement made by the gentleman from Wyoming [Mr. MONDELL], that this is giving away right here, without intending to do it, an enormous privilege, if oil is found?

Mr. LENROOT. That is probably true; and yet under our general land laws the same situation prevails. If a man makes an agricultural entry upon a forest reserve, he gets all the minerals.

Mr. JOHNSON of Washington. I think he gets only the surface rights. Now, then, we have amended this bill to permit leasing in one particular monument—the Mount Olympus monument—consisting of more than 600,000 acres, which has not so much forest as it has minerals. It is a broken, mountainous country, and at the time we made that exemption I did not quite realize the amount of land a man could patent in case oil is found. The geological experts here say that the oil indications and seepages we have discovered down toward the ocean indicate that the oil lakes are back in the mountains, or, in other words, within the lines of the monument, where also lie minerals. I want to call attention to that fact, which is bearing out what the gentleman from Wyoming has said—that we may be giving away, unintentionally, some great rights.

Mr. LENROOT. I will say very frankly the attention of the committee was not brought to that particular proposition, and I think there is merit in the suggestion which the gentleman makes. However, this is true, that in agricultural entries, as in every other form of entry which is now made, it applies in the same way.

Mr. JOHNSON of Washington. There is this feature about it, however: When the monument was made it absolutely cut out and ruined any number of prospectors; but in this bill, if it passes, some of these men who tried to make mineral claims can go back into the monument. Then, if oil is discovered, they will come into the mineral rights that they originally expected to receive.

Mr. MANN. Mr. Chairman, I move to amend the amendment by striking out of it, beginning in line 3, "and upon a finding by the Secretary that such action will not be incompatible with the public interest."

The CHAIRMAN. The gentleman from Illinois offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amend the amendment by striking out, beginning with line 3, the following words: "and upon a finding of the Secretary that such action will not be incompatible with the public interest."

Mr. LENROOT. Mr. Chairman, may we have the amendment reported as it would read?

The CHAIRMAN. Without objection, the Clerk will report the amendment as it would read.

The Clerk read as follows:

After the words "Secretary of the Interior" insert: "and also may, in the discretion of the Secretary of the Interior, be permitted at any time to make certain relinquishment of all rights under such a lease and upon acceptance thereof be thereby relieved of all obligations under the said lease.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois to the amendment offered by the gentleman from California.

The question was taken, and the amendment was agreed to.

The question was taken, and the amendment as amended was agreed to.

Mr. MONDELL. Mr. Chairman, I move to strike out section 25 and insert the following.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all of section 25, on page 20, and insert the following:

"SEC. 25. That all leases issued under the provisions of this act shall be upon the condition that the lessee shall proceed with due diligence and with adequate equipment to develop the oil or gas in said lands and to produce oil or gas therefrom during the life of the lease in such quantity as the condition of the market and the producing capacity of the land shall justify. That the lessee shall not monopolize, in whole or in part, the trade in oil or gas. That he will at all times sell the oil or gas extracted from the leased premises at just, fair, and reasonable rates, without the giving of rebates or drawbacks and without discrimination in price or otherwise as between persons or places for a like product delivered under similar terms and conditions. That the producing operations shall be carried on in a workmanlike manner, without undue waste and with especial reference to the safety of all employees. That the leased premises and wells drilled thereon and all maps and records of production shall at all times be subject to inspection and examination by such officers as may be provided by law or designated by the Secretary of the Interior for such purpose. That the lessee shall observe, abide by, and conform to all of the provisions and limitations of this act, and that he shall pay promptly all rents and royalties when due; and the Secretary of the Interior, or any person in interest, may institute in the United States district court for the district in which the lands are located appropriate proceedings for the enforcement of the terms of the lease or for its cancellation for violation of the terms thereof or of the provisions of this act. Said leases shall also be upon the condition that the United States shall at all times have a preference right to take so much of the product of any well or wells drilled upon the leased land as may be necessary for the use of the Army or Navy or Revenue-Cutter Service, and pay such reasonable and remunerative price therefor as may be fixed by the President; but the owner of the product so taken who may be dissatisfied with the price so fixed shall have the right to prosecute suits against the United States, in the United States district court for the district in which the lands are located, for the recovery of any additional sum or sums claimed to be justly due upon the oil or gas so taken.

"That no lease shall be granted or issued until the applicant shall have given a bond to the United States, in such sum and with such security as the Secretary of the Interior may prescribe, for the payment of the rents and royalties, for the due and faithful compliance with all the terms and conditions of the lease, and for the protection of the owner, as provided by law, in all cases in which the lands covered by the lease are in whole or in part lands located, selected, entered, purchased, or patented with a reservation to the United States of the oil and gas contained therein. The existence of such bond shall be no bar to the institution of a suit for the enforcement of the terms of the lease or for its cancellation for the violation of the terms thereof or of the provisions of this act, and a judgment of forfeiture of the lease shall be no bar to the enforcement by legal proceedings of the bond given in behalf of the lease.

"That a license or lease may be terminated at any time on the application of the licensee or lessee and the payment of all rents and royalties which may be due, but no lease shall be terminated until the Secretary of the Interior shall have had an opportunity to have an examination made into the condition of the property and such reasonable provision shall have been made to prevent the waste or loss of oil or gas through the wells which have been drilled by the lessees as he may require. Upon the cancellation of the lease or its expiration, or upon the forfeiture thereof and the satisfaction of any judgment rendered in the decree of forfeiture and the payment of all rents and royalties due, the retiring lessee may, under the supervision of the Secretary of the Interior, remove or dispose of all the machinery, buildings, or structures upon the leased premises: *Provided*, That the lessee shall have made such reasonable provision as the said Secretary may require to prevent the waste of oil or gas by reason of the wells that have been drilled by the lessee."

Mr. MONDELL. Mr. Chairman, the amendment which I have offered for the section under consideration contains certain conditions which I admit the Secretary of the Interior might require in a lease without specific provision of law, but I believe that in passing legislation of this kind Congress should outline clearly what is to be required of the lessee—at least lay down general rules under which the Secretary is to operate and by which he shall be guided.

My amendment does not contain the first two or three lines of the section—"That no lease issued under the authority of this act shall be assigned or sublet, except with the consent of the Secretary of the Interior." I do not clearly understand what is intended by that provision. There are certain conditions in this bill limiting to ownerships and interests. Whether or not this language following those conditions is intended to give the Secretary of the Interior authority to waive any or all of them I do not know, but I should say that it might be subject to the interpretation that while in a former portion of the

bill we say that no one person shall be interested in more than one lease, under this provision he might become interested in a dozen or twenty or forty, if a kind-hearted Secretary sees fit to give him permission so to do. Therefore, not clearly understanding what was intended, I have left that provision out of my amendment.

I do, however, insert in my amendment a very much needed provision with regard to continuous operations. There is not in the bill any clear provision as to what the operator must do and what the Secretary may require him to do in the matter of continuous operations. There is nothing in the bill which strengthens the present laws to prevent the establishment of monopoly. There is nothing in the bill which makes it obligatory upon the lessee to deal fairly with the people that may desire to purchase this product. Of course, the general laws governing other business operations will govern in this case. But when we are making a lease and have authority to make it a condition of that lease that the lessee shall not monopolize in whole or in part the trades in his product, that he shall not discriminate as between persons and places, that he shall not give drawbacks, that he shall treat all comers fairly, I think we ought to do it. We ought to strengthen the common law, and we ought to strengthen the antitrust statutes in that respect. The bill does nothing of the sort. As I have heard our conservation friends discuss measures of this kind in the past, I have understood that, in their opinion, the prime object in leasing legislation was to increase the control of the public over the operation. We do not increase the control of the public over these operations in the important regards to which I have referred in any way, shape, or form in the legislation which has been presented. It is in that respect anything but progressive. It might be termed reactionary. At any rate, it is essentially standpat.

I also have in my amendment a provision under which the Government may secure these products for the use of the Army and Navy, and thus do away with the necessity or the excuse for the Government going into the oil or coal producing business by giving the Government the first call in peace as well as in war on the products of these properties.

The Secretary of War or the Secretary of the Navy could call for a certain part of this product. If the owner objected to the price named, a suit could be instituted, and there would be opportunity to judicially determine what was a fair price for the product at that place, under the conditions of delivery that existed in the case in hand. There is nothing in this bill directly protecting those who have taken a limited title to lands which may be covered by a lease.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

Mr. FERRIS. Reserving the right to object, I ask unanimous consent that at the expiration of four minutes debate on this paragraph and amendment close.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that debate on this amendment and paragraph close in four minutes. Is there objection? [After a pause.] The Chair hears none. Is there objection to the request of the gentleman from Wyoming? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Chairman, it is barely possible that the legislation to which I have referred, the acts of June 22, 1910, I think it is, and of August 17, 1914, may in themselves fully protect entrymen under these acts. But it seemed to me that it would be well to have a provision in this bill under which the Secretary would be compelled to call on the lessees of said lands, to put up a bond for the protection of the owners of the land. The latter part of my amendment provides for the termination of licenses or leases.

I think gentlemen will find that they will not get very far with a leasing system under the provision which has been adopted relative to the cancellation and termination of leases. No wise man will bind himself to pay a large surface rent running for 20 years, with no opportunity to terminate the lease, when conditions may arise, and are likely to, under which within a year or two or three or four after the lease is made it becomes utterly impossible for him to continue to carry on operations except at a loss. Conditions of that sort are likely to arise, owing to the loss of markets, the development of conditions, if it be a coal mine, under which the mine can no longer be advantageously operated. No one will desire to forfeit and close out a lease if it pays to operate. If it does not pay to operate, Uncle Sam can not compel anyone to operate any more than one individual could compel another to operate, and he should not try to. We are not exercising very much wisdom when we legislate upon the theory that we can trap a man into carrying on a business that does not pay, and that he can not make pay, no matter how well and wisely he may conduct his business.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 26. That any lease issued under the provisions of this act may be forfeited and canceled by an appropriate proceeding in a court of competent jurisdiction whenever the lessee fails to comply with any of the provisions of this act, of the lease, or of the general regulations promulgated under this act, and in force at the date of the lease; and the lease may provide for resort to appropriate methods for the settlement of disputes or for remedies for breach of specified conditions thereof.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add to the end of section 26, on page 20, the following:

"That a license or lease may be terminated at any time on the application of the licensee or lessee and the payment of all rents and royalties which may be due, but no lease shall be terminated until the Secretary of the Interior shall have had an opportunity to have an examination made into the condition of the property, and such reasonable provision shall have been made to prevent the waste or loss of oil or gas through the wells which have been drilled by the lessees as he may require. Upon the cancellation of the lease or its expiration, or upon the forfeiture thereof and the satisfaction of any judgment rendered in the decree of forfeiture and the payment of all rents and royalties due, the retiring lessee may, under the supervision of the Secretary of the Interior, remove or dispose of all the machinery, buildings, or structures upon the leased premises: *Provided*, That the lessee shall have made such reasonable provision as the said Secretary may require to prevent the waste of oil or gas by reason of the wells that have been drilled by the lessee."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MONDELL. Mr. Chairman, just a moment. This is a part of the amendment I offered a moment ago. It is intended to complete section 26. That section as it appears in the bill is the part of the bill which provides the method whereby the Secretary of the Interior may forfeit or cancel a lease. And the amendment which I have offered provides the conditions under which the lessee may relinquish and surrender his lease.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. FRENCH. Mr. Chairman, I now renew the request for unanimous consent that I made the other day to consider a separate section on page 9 that would probably very properly and appropriately bear the number "Section 13." We discussed it briefly on that day, but in view of some misunderstanding it was withdrawn by myself.

The CHAIRMAN. The gentleman from Idaho [Mr. FRENCH] asks unanimous consent to return to page 9 of the bill to consider an amendment now offered in that connection. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, add a new section, as follows, to be known as "Section 13":

"SEC. 13. That where public lands containing deposits of phosphate rock have heretofore been located in good faith under the placer-mining laws of the United States and upon which assessment work has been annually performed, such locations shall be valid and may be perfected under the provisions of said placer-mining laws, and patents whether heretofore or hereafter issued thereon shall give title to and possession of such deposits: *Provided*, That this act shall not apply to any locations made subsequent to the withdrawal of such lands from location, nor shall it apply to lands included in an adverse or conflicting lode location unless such adverse or conflicting location is abandoned."

Mr. FERRIS. Will the gentleman yield for just a minute?

Mr. FRENCH. I will be glad to do so.

Mr. FERRIS. The amendment offered is just as the committee reported the bill, is it not?

Mr. FRENCH. It is in the same language as reported from the committee; yes.

Mr. FERRIS. And as the department reported upon it?

Mr. FRENCH. It includes the amendment that the department reported.

Mr. FERRIS. It is as the department desires to have it?

Mr. FRENCH. Yes.

Mr. FERRIS. And only applies to 57 claims?

Mr. FRENCH. Fifty-seven claims pending and four or five where patents have been issued.

Mr. FERRIS. They can only proceed where procedure for patent took place, and only when they were proceeding regularly under the law in full force and effect at that time?

Mr. MANN. Under the construction of the law.

Mr. FRENCH. I perhaps ought to say it is a general law. It does not specify any number of claims.

Mr. FERRIS. As I understand, that is all that comes under it.

Mr. STAFFORD. When this amendment was under consideration last there was some difference as to the extent of area that it would apply to, and has the gentleman been able to ascertain positively the land that would be involved in this amendment?

Mr. FRENCH. I inadvertently made a statement myself of the area involved, and even while I was on the floor and my attention called to it, I saw that my statement was erroneous. Assuming each claim to be the maximum, there would be only 9,100 acres included in those pending and only 800 acres in those that are patented. Now, the department advises me through the Commissioner of the General Land Office that in those cases that are pending, where entries have been made, it can not from data here determine the number of acres in the entries. Manifestly such would be the case unless proof had been offered. But in any case it could not be in excess of 160 acres per entry.

The CHAIRMAN. The Chair would suggest to the gentleman from Idaho that the numbering of this section as "13" would cause the renumbering of other sections.

Mr. MANN. As a matter of fact, without any order of the House, it is the duty of the engrossing clerk to properly number the sections.

The CHAIRMAN. The Chair thinks that is true, and, of course, it would be unnecessary.

Mr. FRENCH. I would then ask in connection with it that all the numbers be advanced where following this section, if the section be adopted as "section 13."

The CHAIRMAN. The gentleman from Idaho [Mr. FRENCH] asks unanimous consent that the numbers of the sections following this section be advanced one in the bill if his amendment be adopted.

Mr. FERRIS. I think that ought to be done, but at the end of the bill we might put in another section.

The CHAIRMAN. Why not number this section "12a"?

Mr. MANN. Why not ask unanimous consent that the sections be correctly numbered? That will be done, anyhow, by the engrossing clerk.

The CHAIRMAN. The gentleman from Idaho [Mr. FRENCH] asks unanimous consent that the sections be correctly numbered. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, I think before this amendment is adopted there should be a brief statement of the situation necessitating this legislation. Some of the limestone deposits of the western country contain phosphate salts in quantity to make them valuable as a fertilizer. Those deposits, like all limestone deposits, were laid down at the bottom of lakes or other bodies of water. In the course of time the territory covered by these deposits was disturbed; sometimes the uplift was rather sharp. The first phosphate deposits which were located under the mining laws were deposits that had not been greatly disturbed, but the territory had been eroded and cut by canyons, exposing the limestone on the edge of the canyons, but practically or approximately level.

The natural, proper, and only location for that sort of a deposit is under the placer law, and so the first of these locations were all made under the placer law and patented. But later some deposits were found where there had been a very sharp uplift, where there had been a break in the limestone and a very sharp uplift, and in addition to a placer location a lode location was made on the upturned edge of the deposit and a controversy arose between the rival claimants. The United States district court decided that in that particular case the deposit was a lode. It was, indeed, a lode, in the sense that it stood, as most lode claims stand, nearly perpendicular, but if the learned judge could have followed that deposit down a certain distance he would have found that it spread out flat lower down. In another case a Federal court held that the lands in that particular case were properly located as a lode, and thereafter the department hesitated about patenting these lands as placers.

Now, as a matter of fact, it is very much in the public interest—and this is what I want to emphasize—to have these claims patented as placers rather than as lodes, for this reason: The Secretary's office, as I understand, agreed to allow these people to relocate under the lode law. It would not be in the public interest to have them do that, for this reason, that under the placer act they secure title to nothing except the territory within the perpendicular boundaries of their claims, while under the lode law through the extralateral rights under that law they can follow the deposit as far as it runs, and some of these deposits extend down into these slopes, across the valley, and away nobody knows how far. It follows that if these claims were to be patented under the lode law, with the extralateral right, they may grant a right to several hundred acres of deposit in one claim, whereas by patenting them under this law title is secured only to the land within the perpendicular boundaries of their claim.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Idaho [Mr. FRENCH].

The amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Wyoming offers the following amendment, which the Clerk will report.

Mr. FERRIS. To what section?

Mr. STAFFORD. To section 26.

The Clerk read as follows:

Page 20, line 18, after the word "jurisdiction," insert the words "at the instance of any party in interest."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MONDELL. Mr. Chairman, I asked one of the best lawyers on this side of the House a few moments ago what his view was, with regard to this section, as to the authority to bring proceedings under it, and his answer was that he thought that no one but the Department of Justice or the United States attorney could bring proceedings for the forfeiture or cancellation of an entry.

In my opinion, any party in interest ought to have the right to do that. I will not insist that the language that I have offered is just the sort of an amendment that ought to be adopted, but it is very clear to me that if the public is to be protected and operations under the leases are to be at all times in accordance with their provisions, we must have some provision other than the possible activity of the officials representing the Department of Justice. In other words, anyone having an interest who was in any way seriously aggrieved by the acts of the lessee ought to have an opportunity to begin a proceeding which would raise the question as to whether the lessee was complying with the provisions of his lease or not.

I realize that an amendment of this kind is not as essential in this bill as it would have been if the amendments prohibiting monopoly, the amendments prohibiting unfair treatment of consumers, and the amendments for the protection of the purchaser and the public generally, which I offered, had been adopted. In that case it certainly would have been necessary to have given any party in interest the right to institute a suit in order to determine whether or not those provisions of the lease had been violated. But while the bill as it stands lacks many of the provisions that will or should be contained in the lease, every member of the committee must realize that these leases should contain prohibitions the violation of which would work great harm and injury to individuals or the public, and there ought to be an opportunity on the part of people who may be injured or injuriously affected to bring suit for the purpose of testing the question as to whether the parties had lived up to the provisions of the lease.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 27. That all statements, representations, or reports required by the Secretary of the Interior under this act shall be upon oath, unless otherwise specified, and in such form and upon such blanks as the Secretary of the Interior may require, and any person making any false statement, representation, or report, under oath, shall be subject to punishment as for perjury.

Mr. MANN. Mr. Chairman, in order to get it before the committee, I move to strike out the language beginning on page 21, line 5, "and any person making any false statement, representation, or report, under oath, shall be subject to punishment as for perjury."

The CHAIRMAN (Mr. FITZGERALD). The Clerk will report the amendment.

The Clerk read as follows:

Page 21, line 5, strike out the following language: "and any person making any false statement, representation, or report, under oath, shall be subject to punishment as for perjury."

Mr. MANN. Mr. Chairman, the bill makes it obligatory that all these statements, representations, or reports shall be upon oath, and the language of the criminal code is:

Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States

authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than $2,000, and by imprisonment at hard labor not more than five years; and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed.

That seems to cover what is provided for in this bill.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield at that point?

Mr. MANN. Yes; I yield.

Mr. STEPHENS of Texas. It seems that this first part of section 27 applies to statements, representations, or reports required of the Secretary of the Interior, and provides that they shall be made upon oath. Now, as I understand, the section of the criminal law that the gentleman has just read specifies how these statements and reports are to be made. Does the gentleman think the same law applies when the statements, reports, and representations are required by the Secretary under the rules and regulations he prescribes?

Mr. MANN. There is no question of rules and regulations about it at all. This provision of the bill is that all statements, representations, or reports required by the Secretary shall be upon oath. That is a requirement of law—that they shall be upon oath.

Mr. STEPHENS of Texas. But if the gentleman will remember, the requirements under this bill are for the rules and regulations, and he requires the oath.

Mr. MANN. The provision of this bill is that these statements shall be under oath, and the law in reference to perjury says that whenever anything of the sort is required to be under oath if a man falsely testifies in a material matter, and does it willfully, he shall be guilty of perjury. Of course if this is to stand, I think the word "as" ought to go out, so that it will read "subject to punishment for perjury" and not "subject to punishment as for perjury." But there is some distinction. Of course this bill attempts to make any false statement under oath perjury, although it might not be material and although the man who made it might think it was true. But the law in reference to perjury covers these statements clearly, because in making up the form the Secretary requires a certificate that the statements are true, and that is to be under oath.

Mr. FERRIS. Will the gentleman yield?

Mr. MANN. Yes.

Mr. FERRIS. If it is the thought of the gentleman to give the Secretary power to require a written report under oath, that is as far as we ought to go, and then let the general law step in when it ought to.

Mr. MANN. This law says the statement shall be under oath. The law provides that when an oath is made in pursuance of the law, the man who falsely makes oath to a material matter shall be guilty of perjury. It covers the matter precisely, so that there is no new definition of perjury.

Mr. FERRIS. I confess that the gentleman is right. The gentleman from New York [Mr. PAYNE] made a similar complaint about the same provision in the Alaska bill.

Mr. MANN. I do not remember about that.

Mr. FERRIS. And I promised him that I would go down to the Department of Justice and see what they thought ought to be done; but I have not had time to do that, and I am perfectly willing to accept the amendment suggested by the gentleman from Illinois, and strike out that clause, so that all the legislation will do will be to require a written report under oath; then, if a man falsifies, let the general statute cover it.

Mr. MANN. Then, the perjury section will cover his case.

Mr. FERRIS. As in other cases.

Mr. MANN. As in other cases.

Mr. FERRIS. I think the gentleman is right about it.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. MANN].

The amendment was agreed to.

The Clerk read as follows:

SEC. 28. That any of the public lands of the United States withdrawn, covered by permits, or leased as coal, phosphate, oil, gas, potassium, or sodium lands, or valuable for any of said deposits, except as provided in section 2 hereof, shall be subject to appropriate entry under the homestead laws or under the desert-land law, and shall be subject to selections by the State wherein the lands are situated under grants made by Congress and under section 4 of the act approved August 18, 1894, known as the Carey Act, and acts amendatory thereof and supplemental thereto, and subject to withdrawal under the act approved June 17, 1902, known as the reclamation act, and acts amendatory thereof and supplemental thereto, whenever such entry, selection, or withdrawal shall be made with a view of obtaining or acquiring title, with a reservation to the United States of the coal, phosphate, oil, gas, potassium, and sodium in such lands, and the right of the United States, its permittees, lessees, or grantees to prospect for, mine, and remove the same, together with the right to use so much of the surface as may be reasonably necessary for the conduct of mining operations upon rendering compensation therefor as provided in this act, and for all damage caused to crops and tangible improvements: *Provided*, That all applications or selections made under the provisions of this section shall state that the same are made in accordance with and subject to the provisions and reservations of this act: *Provided further*, That upon satisfactory proof of full compliance with the provisions of the laws under which the entry or selection is made and of this section, the entryman or selector shall be entitled to a patent to the land entered or selected, which patent shall contain a reservation to the United States of all the coal, phosphate, oil, gas, potassium, or sodium in the lands so patented, together with the right of the United States, its grantees, permittees, or lessees, to prospect for, mine, and remove the same upon rendering compensation to the patentee for all damages that may be caused to the crops or tangible improvements of the entryman, selector, or owner by prospecting for or removing said minerals.

Mr. MONDELL. Mr. Chairman, I move to strike out section 28.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 21, line 8, strike out all of section 28, down to and including line 21 on page 22.

Mr. MONDELL. Mr. Chairman, I make this motion in order to avoid confusion. This section is in the main a repetition of the provisions of the act of June 22, 1910, an act for the agricultural entry of coal lands; the act of April 30, 1912, amendatory thereof, and the act of July 17, 1914, which applies the same procedure as the acts above referred to to the agricultural entry of gas, oil, phosphate, and potash. It does not in all respects follow exactly the language of those acts, so that I imagine confusion would arise.

The gentleman will recall that the act of June 22, 1910, was the act which made the first provision of this sort with regard to coal lands; that the act of April 30, 1912, was the act which extended the coal act to certain other classes of entries; that the act of July 17, 1914, a very recent act, was the one that applied the same form of law to oil, gas, phosphates, nitrates, potash, and asphaltic minerals. In other words, these three laws cover nearly everything that is covered in section 28; and so far as section 28 would have any effect at all, it would be in those respects in which its provisions are not essentially those of the bills in question. It may be the provisions of this section are intended to be the same, in the main, in effect as the laws I have referred to; but, as a matter of fact, they do not follow the language of those acts exactly, and I fear that it does not so well protect the entryman; in fact, I am confident they do not. Those bills were carefully drawn, and I think it would be a mistake to modify their provisions; and if we do not intend to do that, there is no reason for legislating on the subject.

Now, one thing more. This section does contain one provision that is new and which is to a certain extent at least in conflict with a former section of the bill. That former section allows the Secretary of the Interior to reserve certain portions of the surface of leased lands as may not be needed by the lessee, but limits his right to do so prior to the execution of the lease. Under this section a lessee might have all his leasehold entered at any time his entire plant might be homesteaded or entered under any one of half a dozen laws. No one would take a lease under such conditions.

Mr. LENROOT. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. LENROOT. I ask for information. I do not recollect whether the laws the gentleman refers to cover all withdrawn lands or only the lands when they are classified.

Mr. MONDELL. They cover them all, just as this does. This does not include anything that those laws do not include, except this would allow the entry of the leased lands. Other than for that feature of it my objection to it is that it is a repetition of those statutes to which I have referred in a slightly different phraseology, and I think is not so fair to the entryman. This section was adopted by the committee before the passage of the act of July 17, 1914. That is the act which extended the old coal provisions to phosphate, gas, and asphaltum. At the time the committee put this in the bill it was necessary because the only law we had on the subject was the law relating to coal lands. Since that time we have passed a bill which covers the whole subject in addition to coal. There is, however, some little difference in the language used, and a difference that I think might lead to confusion. Query, How far would this act modify those other acts? Does it leave the provisions of those acts protective to the entryman still in force? I think there would be a question about it, and as the whole subject, except as to the leased lands, is covered by the other acts, as it was not at the time you adopted this section, it seems to me it would not be wise to adopt another law on the subject, a law not so complete or satisfactory. As to the leased lands, it will

not do to leave them open to all these classes of entry. The lessee would not be safe or secure for a day.

The CHAIRMAN. The question is on the amendment of the gentleman from Wyoming [Mr. MONDELL].

Mr. MANN. Mr. Chairman, I want to be heard for a moment upon that.

Mr. UNDERWOOD. Mr. Chairman, is the gentleman willing that the committee rise for a moment?

Mr. FERRIS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. FITZGERALD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16136) to provide for exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium, and had come to no resolution thereon.

BILL TO INCREASE THE INTERNAL REVENUE.

Mr. UNDERWOOD, chairman of the Committee on Ways and Means, by direction of that committee, reported the bill (H. R. 18891) to increase the internal revenue, and for other purposes, which, with accompanying papers, was referred to the Committee of the Whole House on the state of the Union and ordered printed. (H. Rept. 1163.)

Mr. UNDERWWOD. Mr. Speaker, I desire to let the House know that I expect to take the bill up for consideration next Thursday morning.

Mr. MANN. Will the gentleman yield for a question?

Mr. UNDERWOOD. I will.

Mr. MANN. Does the gentleman expect to press the bill to passage on Thursday?

Mr. UNDERWOOD. The gentleman from New York [Mr. PAYNE] made a suggestion this morning about the length of debate. If I can enter into an agreement with him on that subject, I might not; otherwise I expect to press the bill to final conclusion on Thursday, if I can do so.

Mr. PAYNE. I will say frankly to the gentleman from Alabama that I am satisfied that we can not come to any agreement as to debate.

Mr. MANN. We can not come to any agreement that will cut out the right of amendment.

Mr. UNDERWOOD. Mr Speaker, this being an emergency bill, and the revenue being needed by the Government at once, I feel that we should put it through without delay, and I will say to the House that, so far as I am able, I shall endeavor to get a final vote on Thursday at some time.

Mr. PAYNE. And we feel as if there was no emergency, and there is no reason why this bill should not be discussed and both sides of the House enlightened by debate. We would like to have as much debate as we did when we passed a real emergency bill during the Spanish War in 1898, when we had two days' general debate and another day for amendment. That was by mutual agreement.

Mr. Speaker, I ask leave to file the views of the minority, which I will do at once, so that they can be printed with the majority report.

The SPEAKER. The gentleman from New York asks leave to file the views of the minority on this bill. Is there objection?

There was no objection.

EXPLORATION FOR COAL, ETC.

Mr. FERRIS. Mr. Speaker, I ask for the regular order under the special rule.

The SPEAKER. The regular order is for the House automatically to resolve itself into Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 16136) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium, with Mr. FITZGERALD in the chair.

Mr. MANN. Mr. Chairman, I would like the attention of the members of the committee in regard to section 28. A while ago I asked who would have control of the surface of the ground where one of these leases was made. It was stated that the Secretary might lease the surface of the ground within his discretion, and that if he leased the surface of the ground the lessor would have the right to make use of that surface of the ground.

Now, section 28 does not give him that right at all. If the lessor has a lease of 640 acres with the right to make use of the surface of the ground, section 28 comes along and permits anyone to take that right away from him. He may have a lease of the ground, he may be using it for other purposes than a mining operation, but under this section it permits anybody who has a homestead right to make a homestead entry upon the ground and take away from the lessor all of the surface rights except what is necessary for the conduct of the mining operation.

Now, plainly, I should say that it was not desirable in anybody's opinion to have an apparent conflict about that. I was going to ask whether it would be advisable to strike out of this provision in reference to homestead entry the words "or leased as coal, phosphate, oil, gas, potassium, or sodium lands." So that if the lands had been leased, that while the lease stands they shall not be subject to homestead entry or desert-land entry. That would give the right for a homesteader to take lands that have been withdrawn, or even upon which a permit has been granted or which are valuable for deposits, but it would not give the right to the homestead entryman to take away from the lessor land that he had leased and of which he was making use.

Mr. MONDELL. Will the gentleman yield?

Mr. MANN. Yes.

Mr. MONDELL. I did not in the brief time I had in discussing my amendment refer to this feature of the section to which the gentleman from Illinois has referred. The words "covered by permit or leased as coal," and so forth, clearly that provision is contradictory, as the gentleman from Illinois has called attention, to the provision in section 23. The balance of the section is a repetition of law now on the statute books, so that both features of the section ought to go out.

Mr. LENROOT. Will the gentleman from Illinois yield?

Mr. MANN. I yield to the gentleman from Wisconsin.

Mr. LENROOT. In reference to the gentleman's suggestion that none of the leased lands are subject to entry, that would be in conflict with section 24.

Mr. MANN. What section does the gentleman have reference to?

Mr. LENROOT. Section 24.

Mr. MANN. That gives the Secretary the right to reserve the surface. In that case he only leases practically the deposits.

Mr. LENROOT. The right to the soil or otherwise to dispose of that under existing law, or laws hereafter enacted.

Mr. MONDELL. That is all before the leasing.

Mr. LENROOT. I understand; but the gentleman from Illinois says——

Mr. MANN. The Secretary may lease the deposits or he may lease the lands. If he leases the lands, it seems to me somebody ought not to be able to come in and take the lands away from him right away.

Mr. LENROOT. I agree with the gentleman.

Mr. MANN. I thought possibly if we struck out the words "leased as coal," which refers to the public lands leased as coal and would not refer to the deposits which may be leased, the matter might be remedied. I am not sure that it would cover the case where the Secretary had reserved the surface rights.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman from Illinois yield?

Mr. MANN. Certainly.

Mr. STEPHENS of Texas. Mr. Chairman, under the law at the present time these forest reserves can all be leased for grazing purposes, and many of them are leased for grazing purposes, and those leases run for a specific term. Under section 28 of the bill could they take that land leased under that law away from the man who has leased it?

Mr. MANN. They could not take it away from him under section 28, but they could take it away from him under the terms of this bill if they found coal or any of these other mineral deposits on the ground; but I assume that would not be done, because those leases are for a short period of time, usually for a year, and I do not think there would be any practical difficulty there. But there would be about this.

Mr. KEATING. Mr. Chairman, will the gentleman from Illinois yield?

Mr. MANN. Certainly.

Mr. KEATING. Mr. Chairman, I have had some little experience on these lands that might shed some light on the subject. The State of Colorado leases coal lands under practically the terms set forth in the bill. In leasing coal lands the State reserves the right to lease or sell the surface, with the exception of so much as may be needed by the operator to conduct his mining operations. We have found that that law has operated to our full satisfaction. We lease to the coal man the coal and so much of the surface as may be needed for his operations.

Mr. MANN. That is perfectly satisfactory; but here is a provision in this bill which authorizes the Secretary to lease—in fact, requires him to lease under certain cases—640 acres of

the land, including the surface, reserving certain rights over the surface; but he leases the entire land, as suggested a while ago; at least that is the understanding. I myself am not sure about it, but that is what the gentlemen of the committee stated, and that is what the bill seems to carry out. If you do lease a man the surface, you do not want to turn around a few minutes later and give somebody the right to take it away from him.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FERRIS. Mr. Chairman, I think it would be worth while to let the committee have the benefit of the justification for section 28 from the Bureau of Mines and the Department of the Interior. Of course, this section has to do with the surface entries and the preservation of the surface lands so that they may be utilized for their highest purpose and that the mineral deposits, whether coal, oil, gas, or phosphate, may be utilized for their highest purpose. The Interior Department, in support of section 28, says:

> Section 28 provides appropriate disposition of the agricultural surface of lands containing any of the minerals named, reserving to the United States the minerals and the right of the United States, its permittees or lessees, to prospect for, mine, or remove minerals therefrom. It is not believed that any of these provisions will frighten away or preclude the honest miner from taking a lease and extracting the minerals from the land. The provisions are liberal and the restrictions only such as are believed to be in the interest of the general public. The rights of a lessee who complies with the law are not restricted, and they are so safeguarded that he can not arbitrarily be deprived of them. Many of these provisions are found in the laws of the Eastern States which have within their borders coal mines or oil wells, and in the laws of Canada and Australia. Details as to these laws will doubtless be furnished by the Geological Survey, as I have not them in hand.

That is from the Interior Department. Let me present what the Bureau of Mines says in support of section 28:

> This section is merely a reiteration of the policy of existing law with reference to coal and oil and gas lands, and an extension of same to cover the other minerals named. The existing law permits locations to be made of the surface of coal and oil and gas lands, with a reservation of the coal or other mineral to the United States, whereas this provision will permit the location and working of the mineral under ground with a reservation of the surface.
>
> The surface estate has nothing in common with the mineral estate, and the two can exist in harmony without interference one with the other. This section is beneficial in that it prevents the withdrawal from use and occupation of large areas of surface ground that could be utilized advantageously without detriment to the mineral estate. It is quite common for such separate estates to be created, and no inconvenience or hardship results therefrom. The net result is to permit the fullest possible use and the development of the public domain, a feature which is manifestly in the public interest. It will not be objectionable to the lessees, since it only applies to lands which are not required for mining purposes.

Of course that does not quite answer the question raised by the gentleman from Illinois [Mr. MANN] and the gentleman from Wyoming [Mr. MONDELL], and it is their thought that we may have conflict, and if we do have, undoubtedly we ought to correct it, which the committee would be glad to do. It was our intention to have the surface and every foot of it used for the highest known purpose, and it was the committee's purpose to have the mineral deposits used for the best purpose and to keep them from conflicting with one another.

And if we have not accomplished that, and if there is any other impediment in the way of accomplishing that, I think we ought to try to reach it. The committee itself gave quite extended consideration to this section, and we had the benefit of the members of the committee who were familiar with these acts and finally to safeguard it in every way possible I sent this bill a week or 10 days ago and asked the department to go over it again and search if there were any holes, defects, complications, or conflicts that might arise. Of course the department may have had their vision clouded the same as the committee and the gentleman from Illinois may be correct about it, and if he has any amendment that he thinks will make it clearer, or if he thinks there will be a conflict, I think the committee ought to take action on that and such an amendment ought to prevail. I want to suggest to the gentleman from Illinois what I think will probably meet the trouble he anticipates. On page 21, line 9, after the word "leased," might we not incorporate these words, "or leased with proper reservation of the surface," so that we would not be in the attitude of which the gentleman speaks, of first leasing the surface of a tract to a man and then in turn taking it away from him? But surely if we lease the right to the deposits only and retain the surface in the Federal Government, surely there will be no conflict, surely there can be no hardship, surely there can be no injustice, and if the gentleman thinks that will meet the objection by incorporating those words I think it is desirable we should do so and not do something we do not intend to do.

Mr. MANN. I think that will improve it.

Mr. LENROOT. Mr. Chairman, I would like to call the attention of the chairman of the committee to some other considerations in reference to the language of this section which have not occurred to me before. Now, the language as it stands covers all withdrawn lands regardless of the purpose for which they were withdrawn. It makes them all subject to entry. Now, the laws to which the gentleman from Wyoming has referred cover only lands withdrawn or classified.

Mr. FERRIS. What other lands might there be?

Mr. LENROOT. They might be withdrawn for other purposes.

Mr. FERRIS. If they are valuable for these minerals.

Mr. LENROOT. I think the laws the gentleman spoke of cover the situation fully; but I think this language goes further than the laws to which he referred, and this not only applies to homestead entry, but any State is entitled to make selection of any of these withdrawn lands. Under the law as it stands, a State could go in a forest reserve and make selection of any land to which they are entitled under acts of Congress. They could go into a national monument and make selection there of lands to which they are entitled under acts of Congress. Any kind of entry can be made on a forest reservation, it seems to me, under the language of this section, and it does seem to me with the provision in section 24, giving the Secretary of the Interior the right to make a reservation of the surface, coupled with it as it is in section 24, that they shall be subject to disposition under existing laws or laws hereinafter enacted. I really fail to see the necessity for this section at all.

Mr. MANN. Will the gentleman yield for a question?

Mr. LENROOT. Yes.

Mr. MANN. Suppose, under this bill—and I would like to call the attention of the gentleman from Oklahoma to this—suppose, under this bill, a man gets 640 acres of land in one forest reserve where he finds coal or oil and where the timber is of the highest quality. That might happen under the bill. Then under this section would not anybody be entitled to make a homestead entry?

Mr. LENROOT. That is exactly the point I am making.

Mr. JOHNSON of Washington. That is the point I was trying to make a few moments ago.

Mr. MANN. I very much think so.

Mr. JOHNSON of Washington. Except in one place it reserves to the Government the timber. That is in one section of the bill.

Mr. MONDELL. That is only in the case of the lease as proposed in that particular case.

Mr. MANN. We reserve the timber against the lessee.

Mr. JOHNSON of Washington. As it is now in that country no homesteader can find out whether he could get a patent or not. First, a man is held up by the question of the possible discovery of minerals, next he is held up in regard to the possible timber on it, and next in regard to the possible water power until he and his children are absolutely starving to death.

Mr. LENROOT. I would like to call attention in reference to the three laws to which the gentleman from Wyoming has referred that they are not nearly so broad in their scope as this section because in those laws in each instance entry is permitted only if the land is otherwise available. That is, they will be subject to entry if they would otherwise be subject to entry, while under the language of this section it seems to me that all lands withdrawn will be subject to every kind of entry and all lands covered by its terms will be subject to every kind of entry.

Mr. FERRIS. Of course, as the gentleman knows, forest reserves are now subject to homestead entry and are now subject to the mineral laws under the existing law.

Mr. LENROOT. That is true but not all timber lands. It is only those particularly valuable for agricultural purposes.

Mr. FERRIS. Let me ask the gentleman if he has gone far enough so he will be able to say what hardship would be entailed by striking this section out?

Mr. LENROOT. Let me read the proviso, which is to this effect:

> That said Secretary, in his discretion, in making any lease under this act shall reserve to the United States——

Mr. FERRIS. Where is the gentleman reading from?

Mr. LENROOT. Page 19.

> Shall reserve to the United States the right to lease, sell, or otherwise dispose of the surface of the land embraced within such lease under existing law or laws hereafter enacted.

Then, it seems to me, that with the laws that the gentleman from Wyoming has referred to, unless the surface is leased they would be subject to disposition, and, if that is true, I fail to see the necessity for this section.

Mr. FERRIS. If the committee has any fears that there is anything wrong with the section, I prefer to have it go out, and then we can deal with the surface matter later. I under-

stand that the gentleman from Wyoming [Mr. MONDELL] moves to strike out the section

Mr. MONDELL. If the gentleman has no objection, I do not want to discuss it further.

Mr. FERRIS. I think it ought to go out. There seems to be some doubt as to what we could accomplish by section 28. Under the bill as it stands we are not left helpless, and what surface lands are necessary to utilize can be utilized, and if we do not accomplish all that is necessary with this section out, we can again put our hands to the plow and correct it. I therefore ask that the gentleman's amendment be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The amendment was agreed to.

The Clerk read as follows:

SEC. 30. That all moneys received from royalties and rentals under the provisions of this act, excepting those from Alaska, shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress approved June 17, 1902, known as the reclamation act, but after use thereof in the construction of reclamation works and upon return to the reclamation fund of any such moneys in the manner provided by the reclamation act and acts amendatory thereof and supplemental thereto, 50 per cent of the amounts derived from such royalties and rentals so utilized in and returned to the reclamation fund shall be paid by the Secretary of the Treasury after the expiration of each fiscal year to the State within the boundaries of which the leased lands or deposits are or were located, said moneys to be used by such State for the support of public schools or other educational institutions or for the construction of public improvements, as the legislature of the State may direct.

Mr. STEPHENS of Texas. Mr. Chairman, I have an amendment.

Mr. LENROOT. Mr. Chairman——

Mr. MANN. Mr. Chairman, I offer an amendment to strike out the section and insert a substitute.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. MANN as substitute for section 30:

"That all moneys received from royalties and rentals under the provisions of this act, except those from Alaska, shall be deposited in the Treasury as a special fund, to be known as the 'National good-roads fund,' which fund shall be applied as Congress may from time to time direct, by appropriation or otherwise, for the building of good roads."

Mr. FERRIS. Mr. Chairman, I reserve a point of order on that.

Mr. MANN. The gentleman from Wisconsin [Mr. LENROOT] desires to offer a preferential motion, but he can not do it while a point of order is reserved. The gentleman ought to fish or cut bait.

Mr. FERRIS. I make the point of order it is not germane. It is a good-roads scheme, and is not compatible with this bill.

Mr. MANN. It simply relates to the disposition of the funds derived from the royalties and rentals.

Mr. LENROOT. I would like to be heard if there is any doubt as to this ruling. Section 30, relating to the proceeds of this land, provides they shall go into the reclamation fund. It does not seem to me that there can be any question but we have a right to make such disposition of these proceeds as the committee may direct. This is not an appropriation bill. It is not subject to the point that it is new legislation. We have an absolute right to deal with the moneys. The moneys are one of the subjects matter of this bill, and it seems to me entirely clear that we have a right to make such disposition of them as we choose. In fact, I do not see how the gentleman, on his theory of the point of order, can make any justification for their going into the reclamation fund. I am not in favor of the amendment, so I am not speaking for that. It does not provide or attempt to legislate with reference to the building of good roads, but it says that these proceeds shall go into a fund to be known as the "good-roads fund," to be disposed of as Congress may thereafter direct, and Congress may thereafter take them out of the good-roads fund and do anything else with the moneys it chooses to do. The effect of it only is, in fact, to take them out of the reclamation fund and put them into the Treasury of the United States. It certainly is competent for the House to do that.

Mr. MONDELL. Mr. Chairman, I think the gentleman from Wisconsin is correct in his argument up to a certain point. It is true that we can legislate with regard to the disposition of these funds, provided we do not in so doing legislate on a subject entirely foreign to this bill. This bill provides for the leasing of public lands. We can provide that the proceeds of the public lands shall go into the Treasury, or we can provide that the proceeds shall go into a fund which has been created heretofore from the proceeds of the disposition of public lands, and is now existent, and being used for a certain specific purpose heretofore provided for. We can not when we reach this section of this bill depart entirely from the proposition of leasing public lands and enter upon legislation for the building of good roads throughout the country. The amendment necessarily involves legislation on a subject entirely foreign to the provisions of the bill, to wit, the creation of a new fund to be used for a purpose not now contemplated by law and not in any way connected with the provisions of this legislation.

The CHAIRMAN. The Chair is prepared to rule. A few days since, while this bill was under consideration, notice was given that amendments would be offered to this section to provide for the disposition of the receipts from various leases authorized in the bill, in a manner different from that provided in the bill. As a result of the intimation then given, the Chair has given considerable attention to the questions that might arise under this section.

The rule of the House—Rule XVI, paragraph 7—is that no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment. That is the rule which generally is mentioned as requiring amendments to be germane to a bill or to the particular part of the bill to which an amendment is offered. Under general parliamentary law amendments need not be germane. Mr. Jefferson states in section 460 in his Manual that—

Amendments may be made so as totally to alter the nature of the proposition; and it is a way of getting rid of a proposition by making it bear a sense different from what it was intended by the movers, so that they vote against it themselves.

In a decision by Mr. Carlisle in 1880 the history of the adoption of the rule by the House requiring amendments to be germane is set forth in great detail. Ever since 1822 the rule in the House has been as it is at present. Mr. Carlisle in his decision, which is found in volume 5, section 5825, of Hinds' Precedents, said:

When therefore it is objected that a proposed amendment is not in order because it is not germane, the meaning of the objection is simply that it (the proposed amendment) is a motion or proposition on a subject different from that under consideration. This is the test of admissibility prescribed by the express language of the rule; and if the Chair, upon an examination of the bill under consideration and the proposed amendment, shall be of the opinion that they do not relate to the same subject, he is bound to sustain the objection and exclude the amendment, subject, of course, to the revisory power of the Committee of the Whole on appeal.

It is not always easy to determine whether or not a proposed amendment relates to a subject different from that under consideration, within the meaning of the rule, and it is especially difficult to do so when, as in the present instance, the amendment may, by reason of the terms it employs, appear to have a remote relation to the original subject.

That an amendment be germane means that it must be akin to, or relevant to, the subject matter of the bill. It must be an amendment that would appropriately be considered in connection with the bill. The object of the rule requiring amendments to be germane—and such a rule has been adopted in practically every legislative body in the United States—is in the interest of orderly legislation. Its purpose is to prevent hasty and ill-considered legislation, to prevent propositions being presented for the consideration of the body which might not reasonably be anticipated and for which the body might not be properly prepared.

The provision in this bill to which the amendment is offered provides:

That all moneys received from royalties and rentals under the provisions of this act, excepting those from Alaska, shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress approved June 17, 1902, known as the reclamation act, but after use thereof in the construction of reclamation works and upon return to the reclamation fund of any such moneys in the manner provided by the reclamation act and acts amendatory thereof and supplemental thereto, 50 per cent of the amounts derived from such royalties and rentals so utilized in and returned to the reclamation fund shall be paid by the Secretary of the Treasury after the expiration of each fiscal year to the State within the boundaries of which the leased lands or deposits are or were located, said moneys to be used by such State for the support of public schools or other educational institutions, or for the construction of public improvements, as the legislature of the State may direct.

Any amendment to a section which is relevant to the subject matter, and which may be said to be properly and logically suggested in the perfecting of the section in the carrying out of the intent of the bill, would be germane to the bill and thus in order. To determine whether an amendment is relevant and germane, while not always easy, can best be done by applying certain simple tests. If it be apparent that the amendment proposes some modification of the bill, or of any part of it, which from the declared purposes of the bill could not reasonably have been anticipated and which can not be said to be a logical sequence of the matter contained in the bill, and is not such a modification as would naturally suggest itself to the legislative body considering the bill, the amendment can not be said to be germane.

It seems to the Chair that applying these tests to the amendment of the gentleman from Illinois [Mr. MANN] to determine whether it is germane, the question to be answered is whether

the amendment is relevant, appropriate, and a natural and logical sequence to the subject matter of the bill. It is quite clear to the Chair that the amendment can not be so characterized, and that the committee could not have anticipated or reasonably expected that to a proposition that the money to be derived from the royalties of the leases, authorized to be made under this legislation, should be put in the reclamation fund, a well-established fund created for specific and definite purposes; that a proposition to create a new fund, to be known as the "national good-roads fund," could be considered as a natural, appropriate, relevant, and logical sequence to the proposal in the bill; and therefore the Chair sustains the point of order.

Mr. MANN. Mr. Chairman, I appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Illinois appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee? Those in favor of the decision of the Chair standing as the judgment of the committee will rise and stand until they are counted. [*After counting.*] Fifty-nine gentlemen have arisen in the affirmative. Those opposed will rise and stand until they are counted. [After a pause.] No one has risen. The ayes are 59 and the noes are none, and the opinion of the Chair stands as the judgment of the committee.

Mr. LENROOT. Mr. Chairman, I have an amendment which I wish to offer.

Mr. STEPHENS of Texas. I have an amendment, Mr. Chairman.

The CHAIRMAN. The Chair will recognize the gentleman from Wisconsin [Mr. LENROOT], a member of the committee.

Mr. LENROOT. I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Page 23, after the word "direct," in line 21, insert "*Provided*, That any moneys which may accrue to the United States under the provisions of the act from lands within the naval petroleum reserves shall be set aside for the needs of the Navy and deposited in the Treasury to the credit of a fund to be known as the 'Navy petroleum fund,' which fund shall be applied to the needs of the Navy as Congress may from time to time direct by appropriation or otherwise."

Mr. MANN. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] reserves a point of order on the amendment.

Mr. MANN. I make the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois makes a point of order against the amendment.

Mr. LENROOT. Mr. Chairman, I desire to call the attention of the Chair to the distinction between this amendment and the one that the Chair has just ruled upon.

The Chair stated, with reference to the other amendment, that it could not fairly be said that it was so related to the subject matter of the bill that the committee could have had in mind the possibility of such an amendment as was proposed; but now the Chair will bear in mind that these very lands include petroleum naval reserved lands, and that being so, it presents a different question entirely as to whether the proceeds of lands that come within the terms of this bill, that are not ordinary public lands, should not be treated differently from those which are; and therefore it seems to me that the Chair can well hold that, inasmuch as the committee knew that some of these proceeds would come from petroleum naval reserves, there might well be a different disposition of the money arising out of those reserves than would otherwise appear.

And, again, these petroleum naval reserves now exist. When they are leased the Government itself can not operate them. If they are leased, the Government ought to be at least in the same position, so far as the germaneness of the amendment is concerned, as if they had been expressly excepted from the bill. Being included within the bill, it is entirely proper to make such disposition of the proceeds as we choose, and the disposition proposed in the amendment, Mr. Chairman, only carries out the theory of the reserves themselves.

Mr. FERRIS. Mr. Chairman, will the Chair hear me just a moment? I take it that in determining the question of germaneness the Chair would like to have the facts fully before him. As the Chair is aware, and likewise the House, the act of June 25, 1910, was the Pickett bill, a bill which authorized the President of the United States to make withdrawals of any of the public lands for public purposes. Pursuant to that act of June 25, 1910, and the authority vested in him by the act, the President did withdraw in California two areas of land, did designate them "naval reserves" for naval purposes and oil reserves.

Now, here comes this bill, providing for the leasing not alone of the public lands but of those two naval reserves, lands that were properly segregated, lands that were properly withdrawn wholly within the authority of law, to wit, the act of June 25, 1910. Now, the authority being first vested in the President to withdraw, and then his withdrawal pursuant to that act make these two naval reserves come within the purview of this bill. Surely it would not be the disposition of the House to put the proceeds from those two withdrawn naval reserves into the reclamation fund or into any general fund, but surely they ought to be used for the purpose for which they were intended, to wit, the supplying of oil for the Navy.

I think with that in mind that would bring it within the Chair's own decision just rendered on the Mann amendment, and that the committee might well expect, because it would be a logical determination of things, to have an amendment of this sort offered, to do with the money what ought to be done with the money under the act of June 25, 1910, and the President's withdrawal. I very much hope the Chair will find that this is a case in which it is, first, germane and a proper amendment to this bill. The committee have gone over this at great length. The House has passed one bill carrying this identical provision on a temporary oil bill. As I understand, it has become a law. Am I right about that?

Mr. RAKER. Yes.

Mr. FERRIS. That law does this precise thing temporarily. Now, to do this permanently is only to complete what we have done temporarily, and I think it ought to be first held in order and later adopted. The Navy Department wants it; our committee has agreed to it.

Mr. MANN. I do not think the becoming a law of that temporary provision affects the question of order here in the House, although it might be well to recall the fact that that provision went into the temporary bill because the House was held up on a unanimous-consent proposition until it agreed to that. It was a question of no bill at all or of yielding to the holdup of the Navy Department. That is not the situation now. This bill is not before the House asking unanimous consent for its consideration, and the matter should be considered now upon its merits, or upon the point of order.

The Navy Department has no more interest in this land, set aside for naval purposes, than the people of the United States have in the rest of the land. The Navy Department has no greater interest in the oil produced on the naval reserve lands than the country has in the oil produced on the other lands; and the Navy Department is no more interested in getting oil for the Navy than we are in getting good roads for the people. The two propositions stand on all fours. If we can not divert this money from the proposed reclamation fund and constitute it a good roads fund, then we can not divert a portion of the money from the reclamation fund and constitute it a naval reserve fund. Now, for the life of me I have never been able to understand why the Navy wanted this. We make appropriations for the Navy. We appropriate millions of dollars for fuel purposes, for coal and oil for the Navy. What is the object which they have in seeking a special fund in the Treasury Department? What do they want it for? What would they do with it? It is almost an unheard-of proposition, in a bill relating to revenue for the Government, to provide that certain funds shall be created as special funds in the Treasury Department, subject to appropriation by Congress. Of course Congress has the same power over the general fund that it would have over the special fund. I did not argue the point of order at any length in reference to the amendment which I offered. I was inclined to believe that that amendment was in order, but the Chair ruled it out of order. The committee, by a unanimous vote, sustained the decision of the Chair. I confess I can not make any distinction between the two propositions.

Mr. STAFFORD. Mr. Chairman, just a word. Following the logic of the ruling of the Chair just made, I think the Chair must necessarily rule the amendment now offered out of order. There is nothing in this bill, on the face of it, that gives any intimation whatsoever that there is anything that relates to the Navy or any naval reserve fund. The public lands that this bill relates to are for the benefit of the people as a whole. Congress has a right to legislate as to their disposition as it sees fit. The committee has brought in a provision here directing the diversion of some of these funds to the Reclamation Service. It has not seen fit to apply them in any other manner. The question before the committee is whether the proposed amendment is germane to the pending section. To apply the resultant funds for naval purposes, it appears to me, would be extraneous to the provisions of the bill as reported. If you could set aside a portion of this fund for naval purposes, it would then be in order to provide for building a battleship.

Such an amendment would be acknowledged not germane to the purpose of the section. I can not see where there is any difference to the former amendment, except that the good-roads provision applied to all the fund. This is applicable to only a portion, but it is for an extraneous purpose to that suggested by the bill.

The CHAIRMAN. The Chair intended, in making his former ruling, to call attention to a decision of Mr. Speaker CLARK, made on June 23, 1914. On that occasion there was under consideration a Senate amendment in which it was proposed to provide that the proceeds of the sale of certain ships should be appropriated to build an additional battleship. To that amendment there was proposed an amendment providing that the money should be available for the construction of good roads. Mr. Speaker CLARK held that that amendment was not in order, because it was not germane.

Very frequently the difficulty in reaching a conclusion as to whether an amendment is germane arises from the fact that while the proposed amendment is somewhat similar to the subject matter of the bill, the particular predilection of Members favorable to the amendment makes them reason themselves into a frame of mind to believe the amendment to be germane without careful analysis of its relation to the matter proposed to be amended. Under the act of June, 1910, the President is authorized to withdraw public lands for any public purposes. While it does not appear on the face of this bill that certain lands have been withdrawn for the purpose of providing oil for the Navy, it is a matter well within the knowledge of the Chair and of Members generally that such action has been taken. Suppose the President had also withdrawn public lands and set them aside to be utilized as military reservations or as forest reserves or for park or some other purpose. Would amendments be in order to this provision which would provide that the royalties of any leases of such lands should be segregated in the Treasury and dedicated to the development of military reservations or of public parks or for some other public purpose assigned as the reason in the order of withdrawal made by the President? It seems to the Chair that such proposals could not reasonably be anticipated, nor could they be held as logical sequences to the provision in the bill.

The meaning of the word "germane" is akin to, or near to, or appropriate to, or relevant to, and "germane" amendments must bear such relationship to the provisions of the bill as well as meet the other tests; that is, that they be a natural and logical sequence to the subject matter, and propose such modifications as would naturally, properly, and reasonably be anticipated. The Chair has been unable to find any comprehensive definition of the term "germane" as used in a parliamentary sense. It is not easy to define, and it is difficult to state concisely, yet comprehensively, the rule to be applied to determine unerringly whether amendments are germane. The Chair believes that the true rule, and the tests to be used in applying it, have been here epitomized.

The fundamental purpose of this bill is not to provide revenue and to dedicate or segregate it in the Treasury. The fundamental purpose of the bill is "to authorize exploration for and disposition of coal, phosphates, oil, gas, potassium, or sodium," and the segregation of the proceeds of the leases authorized is merely incidental to the general scheme of the legislation.

The amendment of the gentleman from Wisconsin provides that—

any moneys which may accrue to the United States under the provisions of this act from lands within the naval petroleum reserve shall be set aside for the needs of the Navy and deposited in the Treasury to the credit of the fund to be known as the Navy petroleum fund, which fund shall be applied to the needs of the Navy as Congress may from time to time direct by appropriation or otherwise.

To simplify determining whether this amendment is in order, without changing its fundamental purpose, let it be assumed that instead of designating this fund as a "Navy petroleum fund" it were to be designated as a "Navy battleship fund," and to be applied by appropriation or otherwise by Congress to the needs of the Navy. The Chair does not believe that it would be seriously argued that the creation of such a fund as an amendment to this provision would be considered germane. The mere designation of the fund as a Navy petroleum fund, because this bill applies to oil leases, while perhaps confusing, does not change the character of the amendment. It would be no different if it were proposed that royalties from leases made of parts of public lands reserved for military purposes be placed in the Treasury for the support of the Army, or of lands reserved for health purposes be applied for the support of the Public Health Service. The very suggestion of such amendments clarifies the situation and, in the opinion of the Chair, obviates any difficulty in determining the question of order. In the opinion of the Chair the amendment is not germane, and the Chair sustains the point of order.

Mr. LENROOT. Mr. Chairman, I have another amendment on the same subject.

The Clerk read as follows:

Page 23, after the word "direct," line 21, insert the following:
"*Provided* That any moneys which may accrue to the United States under the provisions of this act from lands within the naval petroleum reserve, shall be deposited in the Treasury as miscellaneous receipts."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was agreed to.

Mr. STEPHENS of Texas. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 23, at the end of line 21, strike out the period and insert in lieu thereof a colon, and add the following:
"*Provided*, That the proceeds from the leasing of any unallotted lands included in the Indian reservation shall be covered into the Treasury to the credit of the tribe on whose reservation the leased land is located; and the proceeds derived from leases of lands allotted to any Indian shall be paid to such Indian under such regulations as the Secretary of the Interior may prescribe."

Mr. STEPHENS of Texas. Mr. Chairman, this is to perfect an amendment already in the bill which was adopted in the first section, line 5, after the word "forest." The committee has adopted this language:

That deposits of coal, phosphate, oil, gas, potassium, or sodium owned by the United States, including those in national forests, and unallotted lands in Indian reservations, but excluding those in national parks, military or other reservations, wherever the purpose or usefulness of which would, in the opinion of the Secretary of the Interior, be destroyed by occupation, use, or development.

The amendment is to unallotted lands in Indian reservations. The bill already contains that provision, and the bill applies throughout to Indian lands, and this amendment is offered to section 30 for the reason that there is no appropriation of the funds arising from the sale or disposition of these lands under this bill. This amendment provides that unallotted lands belonging to the Indians shall become a common fund belonging to that tribe of Indians.

Mr. FERRIS. Will the gentleman yield?

Mr. STEPHENS of Texas. Yes.

Mr. FERRIS. Let me suggest to the gentleman that his amendment should be offered to come in following the adoption of the amendment offered by the gentleman from Wisconsin, which has just been agreed to, by offering it at the end of the amendment which has just been adopted.

Mr. STEPHENS of Texas. Mr. Chairman, I ask to modify my amendment by offering it to come in immediately following the amendment just adopted.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to modify his amendment as to the place where it is offered. Is there objection?

There was no objection.

Mr. STAFFORD. Will the gentleman from Texas yield?

Mr. STEPHENS of Texas. Yes.

Mr. STAFFORD. In the second portion of the gentleman's amendment he provides for the payment of the fund arising from allotted Indian lands to the Indians. I would like to inquire whether he ought not to incorporate "the Indian or his heirs."

Mr. STEPHENS of Texas. This is to be under such rules and regulations as the Secretary of the Interior may prepare.

Mr. STAFFORD. The special language limits it to payment to the Indian.

Mr. STEPHENS of Texas. I would have no objection to the amendment.

Mr. STAFFORD. But ought it not to be included?

Mr. MANN. Would not the heirs be Indians who owned the land? Will the gentleman from Texas yield for a question?

Mr. STEPHENS of Texas. I will.

Mr. MANN. I notice that the gentleman's amendment referring to the disposition of the funds includes not only unallotted lands but allotted lands.

Mr. STEPHENS of Texas. Yes.

Mr. MANN. But this leasing is only authorized on unallotted lands.

Mr. STEPHENS of Texas. There are many leases on lands and reservations belonging to the Indians.

Mr. MANN. Yes; but this bill does not authorize the leasing of allotted lands belonging to the Indians.

Mr. STEPHENS of Texas. There is no law authorizing the leasing of allotted lands belonging to the Indians.

Mr. MANN. There is nothing in this bill authorizing the leasing of such lands.

Mr. STEPHENS of Texas. No.

Mr. MANN. Why, then, does the gentleman make disposition of funds arising from allotted lands when the bill only authorizes the lease of unallotted lands?

Mr. STEPHENS of Texas. This was drafted by the department, and it is the same provision that was in the Alaskan bill.

Mr. MANN. I do not want to make any reflections on the department. I suppose we have been told 20 or 30 times during this debate that the department thinks so and so.

Mr. MONDELL. A hundred times.

Mr. MANN. I have a great regard for the department, but this is the legislative body where the bright minds come together and produce legislation under conditions that it is not possible for one man to have in a department, however brilliant he may be.

Mr. STEPHENS of Texas. But the gentleman is aware that for many years it has been the custom of the various departments when a bill has been submitted to them to submit a statement as to whether it is desirable legislation.

Mr. MANN. Oh, we always want their opinion. That is proper.

Mr. STEPHENS of Texas. It is rather too late now to disclaim the right of the department to give such an opinion.

Mr. MANN. Oh, I am not disclaiming any right of any department.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS of Texas. Yes.

Mr. MONDELL. I understood the gentleman to say that there was no law under which allotted lands could be leased for minerals.

Mr. STEPHENS of Texas. I know of none.

Mr. MONDELL. They have been leasing allotted lands on the Shoshone Indian Reservation in my State for coal and oil for, lo, these many years.

Mr. STEPHENS of Texas. There may be some special act authorizing it.

Mr. MONDELL. Can not that be done in every case and in any case where the allottee consents to it?

Mr. STEPHENS of Texas. I think not.

Mr. MONDELL. There is a general law that gives the Secretary authority to do that for the allottee where he desires to have it done.

Mr. STEPHENS of Texas. One passed the House and is now pending in the Senate. In fact, I think I have passed the bill three times through the House, a bill that I have been nursing very tenderly for years, but it has always failed in the Senate.

Mr. MONDELL. There must be some such law applying to the reservation to which I refer.

Mr. STEPHENS of Texas. If there is, I think it is a special law.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS of Texas. Yes.

Mr. LENROOT. Has the gentleman other amendments that he proposes to offer?

Mr. STEPHENS of Texas. This is the last. The first amendment was to the first section.

Mr. LENROOT. I would like to state to the gentleman that with these two amendments I feel very certain that unless there are other amendments offered, the interests of the Indians would be most seriously jeopardized. There must be further amendments if the rights of the Indians are to be protected. For instance, we certainly do not want the oil provision to apply to Indian lands as we have it in this bill. You certainly do not want to give a fee title on Indian lands to one quarter on a prospecting permit.

Mr. STEPHENS of Texas. I will state to the gentleman that that is not in contemplation at all, and the language of the amendment would not give the right the gentleman suggests, but it would be under such rules and regulations as the Secretary of the Interior may prescribe.

Mr. LENROOT. The point I make is that if the Indians are to have the benefit of the oil provisions of this bill at all, the bill must apply to them as a whole, as it stands; and there has been so far no exception made in regard to Indian lands, so far as fee titles are concerned, and you certainly will be in the position, if this is all the amendment the gentleman has, of providing for a fee title upon Indian lands.

Mr. CARTER. Mr. Chairman, will the gentleman from Texas yield to me?

Mr. STEPHENS of Texas. I yield.

Mr. CARTER. I do not remember just what the other amendment of the gentleman from Texas was, but this amendment only provides for the proper placing of the proceeds of the leases.

Mr. LENROOT. I am raising no question about the amendment itself accomplishing the particular purpose that it desires. My query is, If these are all the amendments the gentleman suggests, to adopt this will require further material amendments to properly protect the Indians.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CARTER. Mr. Chairman, I move to strike out the last word. Unless the original amendment of the gentleman from Texas would in some wise affect or change the law with relation to leasing these lands, I do not see that the present amendment makes any change in them, any further than a provision for the proper placing of the proceeds.

Mr. LENROOT. Unless other and further material amendments are made, I think the Indians will not be properly protected. We ought to go back and strike out the one amendment we have adopted making it apply to Indian lands, because we must adopt other material amendments if we desire to properly protect the Indians.

Mr. CARTER. Not having in mind what the other amendments of the gentleman from Texas were, I can not intelligently discuss them.

Mr. STAFFORD. The other amendment I strenuously opposed because it extended the provisions of this bill to Indian lands. I opposed it upon the ground that it was depriving the Indians of their rights and the fruits of their own lands. The provisions of this bill would give the right to a grant of fee title to 160 acres, and in some cases 640 acres, to an outsider on Indian reservations. This provision would appropriate all of the property rights of the Indians, so far as the land that might be granted by fee title is concerned.

Mr. CARTER. I have before me now the original amendment of the gentleman from Texas, and I see that it provides to include unallotted lands on Indian reservations.

Mr. STAFFORD. At the time of the adoption of that amendment the gentleman from Texas stated that he had another amendment that would safeguard the rights of the Indians by limiting the profits to the Indians themselves; but here, by other provisions of the bill, you are surrendering their rights away.

Mr. FERRIS. Is the gentleman trying to say that some of the Indian lands would be patented to the lessee?

Mr. STAFFORD. Yes.

Mr. LENROOT. Under the oil section.

Mr. FERRIS. Oh, no; because there would not be any prospector's permit. The Secretary only issues them within his discretion; and of course he would not issue one on an Indian reservation, but would only issue a lease.

Mr. STAFFORD. What authority has the gentleman for saying that he would not? It is within his discretion. Why could he not under the provisions of this bill?

Mr. FERRIS. It would be unheard of, that any Secretary would think of issuing a prospector's permit on land that belonged to Indians.

Mr. STAFFORD. That is mere assumption.

Mr. FERRIS. He would not think of such a thing.

Mr. JOHNSON of Washington. Will the gentleman yield at that point? In a case which I have in mind the Indian Office has already made a lease based on 15 cents an acre for the first year, 30 cents an acre for the second year, 50 cents for the third, and 75 cents thereafter, and $1 an acre rental on top of that. Under these leases men have put their money in there. Where do they get off and where do the Indians get off if the oil prospectors go on the adjoining public domain?

Mr. FERRIS. The answer is it is not mandatory on the Secretary to issue a lease to anybody or a permit to anybody, but of course the Secretary who authorized the issuance of a permit on the terms indicated by the gentleman would not issue subsequent leases which would interfere with them.

Mr. JOHNSON of Washington. On the contrary, the prospector going on the adjoining open territory would have a very liberal rate under this oil section, whereas the investigator already on the ground on the Indian lands would find the figures prohibitive, and in that case the Indians would suffer.

Mr. FERRIS. That would depend upon the original contract. If the Secretary has made a contract with the Indians in the past on some disadvantageous terms, of course that frailty is on the part of the department. But this law would in no manner conflict with existing leases, and only upon the abandonment or the expiration of such leases would this law be applicable.

Mr. JOHNSON of Washington. It would have to be abandoned. That is just what is going to happen on one of the largest Indian reservations in Washington.

Mr. FERRIS. Then it would be a frailty of the past rather than the present.

Mr. JOHNSON of Washington. And stop the men who were trying to put their money into the development.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to add one word to the amendment. After the words "lease of lands" add the words "restricted lands." I desire to change my amendment, and I ask unanimous consent to modify the amendment.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to modify his admendment. The Clerk will report it.

Mr. FERRIS. The gentleman does not think that we should lease allotted lands at all?

Mr. STEPHENS of Texas. No; I am willing to strike that out.

Mr. CARTER. If the gentleman from Oklahoma will yield, I will call attention to the fact that the amendment itself applied to allotted lands.

Mr. FERRIS. Then, I think the word "allotted" ought to be stricken out. I do not think we ought to lease allotted lands. I think that might get us into trouble.

Mr. RAKER. Let me ask the gentleman from Oklahoma is the word "allotted" understood to mean 160 acres that is allotted?

Mr. FERRIS. Yes.

Mr. RAKER. That is all right. All over the West, particularly in California, there are many hundreds of thousands of acres of this kind of land. These people can not use them nor make a living on them. Ought not their lands to be used for them instead of selling them? I want to call attention further. Now, if they have lands on which oil or gas or coal can be leased by which we could make a safe provision for the Indian and his family, does not the gentleman think that would be better?

Mr. FERRIS. I think it would be unsafe and unwise with 330,000 Indians, some of which are allotted and some not, after the land has proceeded to allotment and each Indian has his individual share. I doubt whether it comes within the province of a public-lands bill to do more than lease the unallotted lands.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent to modify the amendment I have offered in this way: Strike out all after the word "located" in the amendment I have offered and sent to the Clerk's desk.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to modify his amendment by striking out all after the word "located."

Mr. LENROOT. May we have that reported?

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Provided, That the proceeds from the lease of any unallotted lands included in an Indian reservation shall be covered into the Treasury to the credit of the tribe on whose reservation the leased land is located.

Mr. STEPHENS of Texas. And add, "under such rules and regulations as the Secretary of the Interior may prescribe."

The Clerk read as follows:

Under such rules and regulations as the Secretary of the Interior may prescribe.

The CHAIRMAN. Is there objection to the modification of the amendment as suggested?

Mr. MANN. Reserving the right to object, I would not object if I can have it reported as it is now modified.

The CHAIRMAN. The Clerk will report the amendment as now modified.

The Clerk read as follows:

Provided further, That the proceeds of the lease of any unallotted lands included in an Indian reservation shall be covered into the Treasury to the credit of the tribe on whose reservation the leased land is located under such rules and regulations as the Secretary of the Interior may prescribe.

Mr. LENROOT. Mr. Chairman, I have no objection to this amendment whatever; but I do want, if I can, to make my position clear to the gentleman from Texas. The position taken by him seems to be that the first section of this bill, to which an amendment has been adopted including Indian reservations, is sufficient to carry Indian lands throughout the bill. Now, one of two things is true—it either is not sufficient or, if it is, the provisions of the bill with reference to oil lands should be changed. Now, I do not believe the amendment to the first section does carry authority to the Secretary of the Interior to lease any Indian lands at all. The purpose of this first section is not to designate what lands shall be leased but to whom the lands may be leased. That is the purpose of this section. It provides that these lands designated may be leased to citizens of the United States, and so forth, and then, as we go on in the bill, taking up the subjects separately, coal, phosphates, oil, and so forth, we expressly name the lands that may be leased.

To illustrate, section 3 provides that coal lands or deposits of coal belonging to the United States may be leased, and so on throughout the entire bill. And I submit that without amendment, the language being specific as to each character of mineral, fuel, or fertilizer, in order to carry out the gentleman's object amendments must be made either upon each of those subjects or Indian lands must be brought within the terms of the bill later on under a general section

Mr. STEPHENS of Texas. Does not the gentleman think the language is sufficient here in the first part?—

That deposits of coal, phosphate, oil, gas, potassium, or sodium owned by the United States, including those in national forests, but excluding those in national parks, etc., shall be subject to disposition in the form and manner provided in this act.

Mr. LENROOT. Does not the gentleman see that the purpose of that section is to define who may acquire the benefits of the bill?

Mr. FERRIS. I believe the gentleman is mistaken. I believe it does a good deal more. This refers to the disposition of what? Indian lands, unallotted, national forests, and all public lands. How? As this act provides. Then we go right along and make the provision.

Mr. LENROOT. It says, "Shall be subject to disposition in the form and manner provided by this act," and then, if we were not specific in each case, naming the lands that can be leased, then I would agree with the gentleman, but having been specific in each case in naming the lands the Secretary may lease, I contend the special provision is superior to the general provision and will prevail. But if this were not true and taking the other theory, namely, that it is broad enough to include Indian lands, I sincerely hope before the bill goes from this House that the Secretary of the Interior will not be permitted under the terms of the bill, as he is permitted, to grant a title in fee upon Indian lands for anything. I have as much confidence in the Secretary of the Interior as any man in this House, but we ought not to legislate in a way that would permit a Secretary of the Interior to issue a prospecting permit for oil upon Indian reservations and pass title to a part of the Indian lands in fee to the prospector.

Mr. MANN. Will the gentleman yield for a question?

Mr. LENROOT. Yes.

Mr. MANN. As I understand the gentleman's position, it is that under the amendment to the first section we either do or we do not make all Indian lands subject to the provisions of the bill; that if we do not, it does not amount to anything, but if we do we provide for the issuance of a patent for 640 acres to a permittee who has discovered anything upon the Indian lands. If that is so, who will have to pay for the land?

Mr. LENROOT. The Indians will have a claim against the Government.

Mr. MANN. Of course the United States gets nothing out of that lease except the pleasure of paying for the land.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. LENROOT] has expired.

Mr. LENROOT. Mr. Chairman, I ask for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LENROOT. In view of the fact that I have held this position throughout the bill, I wish to say, in explanation of why I did not offer amendments as the bill was considered section by section, that early in the consideration of the bill I asked the gentleman from Texas [Mr. STEPHENS] whether later on he proposed to offer a general section that would take care of all these matters, and I understood him to reply that he would. And that is the reason why I have heretofore said nothing in reference to this matter.

Mr. STEPHENS of Texas. I think I have done so. I think the first section is sufficient.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to close debate on this amendment at the expiration of two minutes.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to close debate on this amendment at the expiration of two minutes. Is there objection?

Mr. BURKE of South Dakota. I may want five minutes, Mr. Chairman.

Mr. FERRIS. Then I will say at the expiration of seven minutes.

Mr. CURRY. Before the debate is closed, I would like to ask the chairman of the committee a question, and it will take him about two minutes to answer it.

Mr. FERRIS. Then I ask for nine minutes, Mr. Chairman.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that the debate on this amendment close in nine minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, I simply rise to call attention to the fact that if we remain in session long enough the various suggestions I have made will be adopted or their wisdom be clearly demonstrated. I said, when the amendment was offered adding Indian reservations to this bill, that there were a score of provisions in the bill that such an amendment would put out of joint and that therefore such an amendment should not be adopted. The gentleman from Wisconsin [Mr. LENROOT] has just called attention to a few of them. This bill was drafted with a view of applying it to the public domain, and it does not fit the conditions of Indian reservations. There are numerous provisions in the bill which, if applied to Indian reservations, will work hardship on the Indians, will take from the rights of the Indians. It is unwise to adopt that kind of an amendment after a bill has been drawn and perfected with reference to entirely different conditions. The unwisdom which some of us pointed out of including Indian reservations is now made clear.

Mr. BURKE of South Dakota. Mr. Chairman, I want to say to the gentleman from Oklahoma [Mr. FERRIS] that in my opinion, while I have not had an opportunity to examine the bill with much care, I am satisfied if it is intended that it will apply to unallotted lands in Indian reservations, it ought to be amended as suggested by the gentleman from Wisconsin [Mr. LENROOT].

Further, I want to ask the gentleman from Oklahoma if under the terms of this bill a person, company, or corporation who may secure a permit to prospect may not ultimately acquire title to a certain number of acres of land?

Mr. FERRIS. Well, this is the language of the act, in section 3, page 2:

That the Secretary of the Interior is authorized to, and upon the petition of any applicant qualified under this act—

The act says "shall." That was stricken out and made "within his discretion." He does not have to issue a permit to anyone unless he wants to do so. The committee could not conceive of a Secretary who would issue a prospect permit to anyone that would give a patent in fee on the Indian land.

Mr. BURKE of South Dakota. Suppose some Secretary of the Interior should grant a permit; then what?

Mr. FERRIS. Oh, I suppose he could get a patent in fee. You can suppose anything.

Mr. BURKE of South Dakota. I will say to the gentleman that unless there is some amendment such as has been suggested, I think it very dangerous to pass it in the form in which it is at present.

Mr. FERRIS. We can return and put that in.

Mr. CURRY rose.

The CHAIRMAN. The gentleman from California [Mr. CURRY] is recognized.

Mr. CURRY. Mr. Chairman, United States property, real and personal, is exempt from local and State taxation. Under the provisions of this bill would the leased land, the improvements, and the products of the mines be taxable? Possibly the products on the leased land may be after it has been removed. But will the leased land and improvements be subject to local taxation for county, municipal, and State purposes?

Mr. FERRIS. I will say to the gentleman that we have had that identical question up in our State, and there is no doubt but that your legislature has the authority to impose an excise tax that will catch every pound of coal and every gallon of oil that may be produced. There is no doubt also that they can tax the machinery and improvements which go as personal property on the leased lands. It is so done in our State. So that the western people under this bill get, first, the right to have the surface of the ground entered and passed to patent, which, of course, places it on the tax roll; and also, second, get a chance of imposing an excise tax on the products from the mines; and, third, the taxing as personalty the improvements on the land; and not only that, but, fourth, the West gets the revenues that come from the leases, for they go into the reclamation fund to irrigate the West. Therefore I think, while I do not want to set off any bombs on the western people, that they are very well treated in this bill, and I think when they realize what has been done for them they will be highly pleased with it.

Mr. CURRY. I do not agree with the gentleman's opinion as to my State. If you wish to subject this property to county, municipal, and State taxation, what reason is there for not doing it directly in the bill, and providing specifically that it is not exempt? In our State we have two systems of taxation. Property subject to State taxation is segregated from that subject to local taxation. The State taxes are paid by the corporations, and the county and municipal taxes are paid from taxing other classes of property. This leased property, real and personal, amounting to hundreds of millions of dollars in value, would not be subject to State tax and would not be subject to county or municipal tax.

Mr. FERRIS. Of course, the gentleman knows that Government property is not subject to taxation anywhere, and I would not be in favor of subjecting Government property to taxation at any time or in any place. That might permit the local governments to confiscate Government property.

Mr. CURRY. Then would the gentleman contend that the hundreds of millions of dollars' worth of property on these lands should be exempted from taxation?

Mr. FERRIS. All that has been gone over many times. I will say to the gentleman from California. We are not imposing on the western people. We are dealing generously with the West. We are developing the West, and it will not take very long to demonstrate it.

Mr. MANN. Would not the leasehold, the value of the lease, be subject to taxation?

Mr. FERRIS. I am inclined to think the Government lease would not be. The machinery and improvements are taxed as personal property, and the surface of the land goes to patent as fast as entered. I may call to the attention of the gentleman that the surface may pass into private ownership under the homestead provisions and pass on to the tax list regularly, so that all the Federal Government is doing is protecting leasing the deposits. They are for the benefit of the West. It is a new era in the West. There all may share the resources.

Mr. MANN. The value of the lease is personal property.

Mr. FERRIS. There might be a way to reach that; I am not sure about that. Of course, I am not in favor of having the Government property taxed, and I am not in favor of turning the local communities loose to confiscate Government property by taxation.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. CURRY. Mr. Chairman, I would like to have one more minute.

The CHAIRMAN. The gentleman from California [Mr. CURRY] asks unanimous consent to proceed for one more minute. Is there objection?

There was no objection.

Mr. CURRY. This product of the mines would not be subject to taxation. The other people would have to pay all the road taxes and the school taxes and all other taxes, while this property, worth hundreds of millions of dollars, would be exempted from taxation.

Mr. FERRIS. The gentleman from California is in error about that. As soon as the oil or the coal is brought up from the earth it becomes subject to taxation as personal property.

Mr. CURRY. Why not put it in the bill specifically and not leave the question one to be adjudicated?

Mr. FERRIS. You do not need it in the bill. That is a proper matter for the local legislature of the State.

I repeat, Congress has and is in this bill generous with the West. Much has been said by those who are unfriendly, but I feel as sure as that one day follows another we are rendering a great service for the West and for the Nation.

The CHAIRMAN. The time of the gentleman from California has expired. The question is on agreeing to the amendment of the gentleman from Texas [Mr. STEPHENS].

The amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman from Wyoming withhold his amendment for the present?

Mr. MONDELL. Yes.

Mr. BURKE of South Dakota. I desire, Mr. Chairman, to ask the gentleman from Oklahoma a question. As I understand it, one or more amendments have been agreed to by which the bill will apply to unallotted lands in Indian reservations.

Mr. FERRIS. It was so intended.

Mr. BURKE of South Dakota. What I wanted to ask is whether it will not create confusion if this bill is passed without excepting the Osage Reservation and possibly the Five Civilized Tribes in Oklahoma? I am not clear about it, but I would like to have the opinion of the gentleman.

Mr. FERRIS. My thought is that the Osage lands are all leased already, and I think most of the surface of the land under the allotments has been sold. The gentleman from South Dakota [Mr. BURKE] knows that there emanated from his Committee on Indian Affairs years ago a bill providing for the disposition of the unallotted lands of the Indian nations.

Mr. BURKE of South Dakota. If they have not been disposed of, would not this repeal that law, and would not the land be subject to the provisions of this act?

Mr. FERRIS. As the gentleman knows, the lands have been subject to lease for 20 years and have been leased, and there is an energetic movement on the part of the lessees to get the leases renewed now.

Mr. BURKE of South Dakota. I would suggest to the gentleman from Oklahoma, the chairman, and to the other gentlemen from Oklahoma that they had better look out or they will be consenting to the passage of an act that will affect the Osage Reservation, and perhaps the Five Civilized Tribes, in a way that would be undesirable.

Mr. FERRIS. The unallotted lands of the Five Civilized Tribes are all sold now except the timberlands.

Mr. BURKE of South Dakota. The segregated mineral lands have not yet been disposed of.

Mr. DAVENPORT. I want to call the attention of my colleague [Mr. FERRIS] to the fact that the blanket leases do not cover all the Osage lands. I think the suggestion of the gentleman from South Dakota [Mr. BURKE] is a wise one, that there ought to be an exemption there, excepting the Five Civilized Tribes and the Osage Indians from the provisions of this bill. I think the gentleman from South Dakota is absolutely right about that.

Mr. FERRIS. The Secretary already has the authority that this gives to him, and I can not fathom what the objection would be to letting the law apply which already applies.

Mr. BURKE of South Dakota. I will say to the gentleman that I do not care to propose any amendment. I merely call it to his attention. I will also mention that the New York Indians own their lands in common and have a reservation. I do not think it is the intention of the committee to legislate with reference to minerals upon the reservation of the New York Indians in the State of New York or other similar reservations.

Mr. FERRIS. It will be within the discretion of the department in each case.

Mr. STEPHENS of Texas. There never has been any claim that there was any mineral on the Indian reservation in the State of New York.

Mr. BURKE of South Dakota. There are a great many localities where nothing was known as to the existence of mineral, but subsequently very valuable mineral has been discovered.

Mr. MONDELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 23, strike out all of section 30 after the numerals "30," in line 4, and insert the following: "That 50 per cent of all moneys received from royalties and rentals under the provisions of this act, except those from Alaska, shall be paid by the Secretary of the Treasury, after the expiration of each fiscal year, to the State within the boundaries of which the leased lands are located, for the support of public schools, the construction of roads, and other proper public purposes, as the legislature of the State may direct; and 50 per cent of said royalties and rents shall be paid into the reclamation fund."

Mr. MONDELL. Mr. Chairman, there are two important respects in which this legislation will affect western communities. One has to do with the changed political and industrial conditions that will arise upon the departure from a system of private ownership and the adoption of a system of Government leasing and Government permanent control. The abandonment of a system of private ownership in extensive properties over vast areas and the adoption of a system of permanent Federal landlordism will profoundly affect the industrial and political situation in all of these States. In addition to that the communities will be very greatly affected in their power to produce revenue. Our western people have become more or less reconciled to the inauguration of a system of leasing, because we have hoped that thereby the community at large would receive larger returns from the development of natural resources; that the community would receive a larger share of benefits than now as mineral wealth is depleted. We have hoped and expected that if a system of this kind was adopted we would receive from it benefits through royalties, taking the place of taxes to a certain extent, of mine-output taxes, perhaps, to help us in maintaining our schools, in building roads, and in sustaining our system of civil government. The reporting of the bill dashed that hope; for while nine-tenths of the mineral lands of my State are now Government property, under the provisions of this bill there is no assurance to any community in the State that it will ever receive a dollar of the hundreds of millions of dollars that may be taken from these lands in the way of royalties. It is true there is a provision in the bill that 50 per cent of the fund, after it has gone into the reclamation fund and been used in the completing of projects, and is paid back, shall go to the States for the benefit of the communities. But I pause to give some astute gentleman the opportunity to tell us how you can tag any dollar paid into the reclamation fund and follow it through the processes of construction and repayment and ever determine when that dollar comes back. I have asked some pretty brilliant men that question—how it was to be done. Part of the reclamation fund will be going on practically forever, and may never come back. Query: Will it be the dollar that shall come from a mining lease in Fremont County, Wyo., that is not paid back in a lifetime, or a dollar paid into the fund from an Idaho or Colorado lease?

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. I ask unanimous consent to proceed for five minutes.

Mr. FERRIS. Reserving the right to object, I ask unanimous consent that at the end of the five minutes which the gentleman desires debate shall be closed on this section and on all amendments thereto.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that all debate on the pending section and all amendments thereto be closed in five minutes. Is there objection?

Mr. MANN. I have an amendment that probably will not take more than a minute or two.

Mr. FERRIS. Then, I ask unanimous consent to make it 10 minutes, 5 minutes to be controlled by the gentleman from Illinois [Mr. MANN].

The CHAIRMAN. The gentleman asks unanimous consent that at the end of 10 minutes debate on this section and all amendments thereto be closed. Is there objection?

There was no objection.

Mr. MADDEN. Does the gentleman think any dollar that goes into the reclamation fund will ever come back?

Mr. MONDELL. Oh, yes; several million dollars have already come back. But I yield to any gentleman on the floor who will point out any way whereby any of this money can be so tagged, designated, and identified that anyone can ever tell when it comes back or whether it ever comes back; and in the ordinary procedure under the reclamation fund moneys could not be expected back into the State inside of 30 years. It might be 10 years after it is placed in the fund before the project is completed. The period for its repayment is 20 years. Thirty years from now these States may secure some return, provided it is possible to identify any of the money which the bill seems to contemplate they shall at some time receive.

In the meantime you have established a system of absentee landlordism, the Government being the absentee landlord, under which you take from the State at least 10 per cent of the value of all of its oil production and perhaps the same proportion of the value of its coal production. It goes into the reclamation fund; that is a fund which we of the West approve of. But it goes into reclamation projects, however; and what consolation is it to a community having coal lands and oil fields, and not within hundreds of miles of a reclamation project, that some settlers somewhere on a reclamation project may be benefited by the use of the money taken from the development in their region? We want the reclamation fund sustained, but we do not think it needs all the proceeds of these leases.

There is some question as to whether we can tax improvements on these lands. Some gentlemen are confident that we can, while others, very good lawyers, say it is very questionable. Can we apply our mine-output tax law, such as we have in my State, to this product? In the opinion of many it is doubtful. The cream of all values is taken from us. We are left stripped of our opportunities to secure the necessary and needful funds for the building of our roads, for the education of our children, and for the maintenance of our local and State governments. We have been willing to accept the uncertainties and known disadvantages of Federalism, of bureaucracy through Federal leases, for a time at least, in the hope that through it the localities should have a considerable return as the mineral products of their country are used, in order that permanent roads and good schoolhouses might show the beneficial results of the extraction of minerals on a public lease.

Mr. FESS. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. FESS. What is the source of the school fund in public-land States?

Mr. MONDELL. From ordinary taxation and partly from the 5 per cent of the sale of public lands which is now paid us, but that is wiped out by leasing legislation. In other words,

this legislation leaves us worse off than we are now. I am glad the gentleman called my attention to this matter. Now when the lands are sold we get 5 per cent of the returns, but under this bill the lands are never sold and we do not get that. Under this bill when lands are patented they do not pay anything for them, there is no 5 per cent to give us, and so we are robbed at both ends—no return from leased lands, none from lands patented.

Mr. FESS. Does the gentleman know the cost of education in the State of Wyoming compared with that of Ohio?

Mr. MONDELL. My recollection is that the last census placed Wyoming among the very first of the States in her expenditure for education per capita.

Mr. FESS. Then there ought to be some increased source of revenue.

Mr. MONDELL. We need it and must have it, instead of having it taken away from us.

Mr. METZ. Why does not the State of Wyoming raise the money by taxation of its citizens, the same as we do?

Mr. MONDELL. My State does, and does it so well that only one-half of 1 per cent of the inhabitants can not read or write.

Mr. METZ. Why do not you raise the money by taxation?

Mr. MONDELL. We do; but the gentleman must realize that 80 per cent of all the real estate of Wyoming is owned by the Federal Government. If the good State of New York should have 80 per cent of its real estate taken from the tax roll, does the gentleman think they would have much left to support schools? If the system of the sale of these mineral lands were to be continued, we would get 5 per cent of the money for our school fund, and then we would have the opportunity to tax the lands. This act provides for no sales. Some lands are to be given away, the balance leased. Our 5 per cent is gone and we are to get no part of the royalties. Nothing could be more unjust.

The CHAIRMAN. The time of the gentleman from Wyoming has expired. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken; and on a division (demanded by Mr. MONDELL) there were 20 ayes and 52 noes.

So the amendment was lost.

Mr. MANN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 23, line 20, amend by striking out the words "or for the construction of public improvements."

Mr. FERRIS. Will the gentleman yield?

Mr. MANN. I yield.

Mr. FERRIS. After consultation with the members of the committee we think that amendment is all right, and we accept it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 13811. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

EXPLORATION FOR COAL, ETC.

The committee resumed its session.

The Clerk read as follows:

SEC. 32. That all laws or portions of laws in conflict herewith are hereby repealed, except as to valid claims existent at date of the passage of this act and thereafter maintained in compliance with the laws under which initiated.

Mr. LENROOT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 24, line 1, after the word "That," insert the following: "the deposits of coal, phosphate, oil, gas, potassium, and sodium herein referred to shall be subject to disposition only in the form and manner provided in this act, and."

Mr. LENROOT. Mr. Chairman, at the beginning of the consideration of this bill the gentleman from Wyoming argued that under the bill as it stood it did not repeal the placer-mining laws and perhaps other acts, so far as they related to oil lands, *and so forth*; that as the bill stood these acts would apply to oil and other deposits referred in the bill. The amendment I have proposed makes it clear that lands containing the deposits shall be disposed of only in the manner and form prescribed by this act, so as to meet the objection made by the gentleman from Wyoming.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was agreed to.

Mr. LENROOT. Mr. Chairman, I ask unanimous consent to return to section 2 for the purpose of offering an amendment excluding Indian lands from the operation of the section.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to return to section 2 for the purpose of offering an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 14, after the word "*Provided,*" insert: "The provisions of this section shall not apply to unallotted lands on Indian reservations."

Th CHAIRMAN. Is there objection?

Mr. CARTER. Mr. Chairman, reserving the right to object, I would like to make that request also include a return to section 1 for the purpose of offering the following amendment.

Mr. LENROOT. Let us have one at a time.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin? [After a pause.] The Chair hears none. The question is on agreeing to the amendment of the gentleman from Wisconsin.

The amendment was agreed to.

Mr. LENROOT. Mr. Chairman, I now ask unanimous consent to return to section 14 for the purpose of offering a similar amendment.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to return to section 14 for the purpose of offering an amendment, which the Clerk will report.

The Clerk read as follows:

Page 13, line 5, after the word "hereof," insert: "*Provided further,* The provisions of this and the preceding section shall not apply to unallotted lands upon Indian reservations."

The CHAIRMAN. Is there objection?

Mr. BURKE of South Dakota. Mr. Chairman, reserving the right to object, I would like to ask the gentleman from Wisconsin to explain just what is proposed by his amendment.

Mr. LENROOT. Mr. Chairman, section 13 provides for the issuing of a prospecting permit, for prospecting for oil. Section 14 provides that upon the discovery of oil by a prospector he shall be given fee title to one-fourth of the land covered by his permit. The purpose of my amendment is to provide that the provisions of neither of these sections shall apply to unallotted lands on Indian reservations.

Mr. BURKE of South Dakota. I would like to ask the gentleman, if his amendment prevails, and the bill should become a law in the form in which it now is, whether under the terms of it the unallotted lands of the Indians can be leased by the Secretary of the Interior?

Mr. LENROOT. Mr. Chairman, in reply to the gentleman, I will state that before these amendments I have suggested are adopted, it was my opinion they could not, but if these amendments are adopted, excepting Indian lands from coal lands and oil lands, I am inclined to think that the intention of the law would be clear to include Indian lands throughout.

Mr. BURKE of South Dakota. Would that be without any consideration of what the Indians might desire themselves?

Mr. LENROOT. It would.

Mr. MANN. Not necessarily, because it is discretionary.

Mr. LENROOT. Oh, yes; it is discretionary.

Mr. BURKE of South Dakota. Mr. Chairman, I want to call the attention of the gentleman and also of the committee to the fact that under the only law that there is now on the statute books which recognizes the right to lease lands for mining purposes it can only be done by the consent of the council of the tribe, and I was wondering whether it was the intention by this bill now to leave the matter entirely with the Secretary of the Interior to lease unallotted lands for mining purposes, regardless of the title that the Indians may have in their reservation, regardless of the status of the Indians as to intelligence, and without any regard as to whether they are willing to lease their lands or not.

Mr. LENROOT. Mr. Chairman, in reply to the gentleman, he, of course, understands that the amendment relating to Indian lands did not come from the committee. It came from the gentleman from Texas [Mr. STEPHENS]. As I have heretofore stated, I had understood that before the consideration of this bill should be concluded there would be a general section offered that I supposed would give to the Indians the same protection that they have now, and all that I am seeking to do in the amendments that I have proposed is to give to the Indians such protection in those particulars, at least, that they are clearly entitled to. I do not for a moment contend that there ought not to be other provisions in the bill so long as Indian lands are included, further protecting them.

Mr. BURKE of South Dakota. Mr. Chairman, still further reserving the right to object, I want to say to the gentleman and to the committee that I think it is unfortunate that it is proposed to make this law apply to Indian reservations at all without the matter having been considered by the committee that reports the bill, to say nothing of the Committee on Indian Affairs, which is the proper committee that ought to report legislation of this kind. I am in accord with the amendment suggested by the gentleman from Wisconsin, and I am not going to object to returning for the purpose of having that amendment adopted, and I think, as the gentleman from Wisconsin [Mr. STAFFORD] suggests, it is a safeguard that ought to be in the bill if it is going to pass, but it ought not to be amended at all to include Indian reservations, unallotted or allotted or in any other form, in this way when that matter has had no consideration by any committee of the House. [Applause.]

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin? [After a pause.] The Chair hears none. The Chair wishes to call the attention of the gentleman to the fact that the Clerk suggests that the word "That" should follow the words "*Provided further.*"

Mr. LENROOT. I ask unanimous consent that it be so modified.

The CHAIRMAN. Without objection, the amendment will be modified in that respect.

There was no objection.

The question was taken, and the amendment as modified was agreed to.

Mr. CARTER. Mr. Chairman, I ask unanimous consent to return to section 1 for the purpose of offering an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 5, at the end of the Stephens amendment, after the word "reservation," insert "except the Five Civilized Tribes and the Osage Nation in Oklahoma."

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, the gentleman from Texas and the distinguished chairman of the Committee on Public Lands, from Oklahoma, having one sought and the other permitted an insertion in this bill which never ought to have gone in, the other gentleman from Oklahoma [Mr. CARTER] now seeks to relieve his State from its application. That is a very generous spirit which my friend from Oklahoma has. We in a moment of temporary aberration of mind inserted in this bill an amendment offered by the gentleman from Texas covering Indian reservations. Everyone in the House who paid any attention to the bill knows that the provisions of the bill on that subject are so that no one can tell what it means. No one knows to what reservation it applies or on what terms.

The gentleman from Wisconsin [Mr. LENROOT] has offered an amendment which he hopes, by negative form, will get somebody to construe the bill to mean that it covers certain Indian reservations in certain cases and does not cover them in other cases. But that is negative at the best. The gentleman himself does not think that it ought properly to affect the construction of the bill. What we ought to have done is to strike the whole Indian business out of the bill. If the Committee on Indian Affairs wants to bring in a bill to the House in reference to mining upon Indian reservations and copy this bill, with proper changes, very well and good; I would be willing to accept it.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MANN. Yes.

Mr. STEPHENS of Texas. Does not the gentleman know that throughout the States and throughout all Indian legislation the Five Civilized Tribes have not been considered to be Indians on reservations and that there has been special legislation in reference to them? I did not believe and I do not believe now that this bill will apply to those Indians, but the gentleman from Oklahoma desired to make it perfectly clear that these Indians do not come under the requirements of this bill.

Mr. MANN. Well, that only shows the gentleman from Texas in offering his amendment did not carefully consider the matter. I am not criticizing him for it. He found this bill here, called up, and there was a question raised as to whether it covered Indian reservations or did not. Some one stated—the department stated or some one else—why, if it is good for the white man's land, why is it not good for the red man's land? Therefore he offered an amendment, but plainly the conditions are not the same. Now, what object was there in seeking to cover Indian lands? We dispose of the public lands. We authorize patents to be issued. We authorize leases to be issued that give a man the right to go on the land and make investigation and discovery, and under the provisions of this bill, if applied to the Indian lands, a settler can obtain a permit to go and make investigation right in the middle of an Indian village, dig a well, or sink a shaft.

Mr. STEPHENS of Texas. Does the gentleman believe a Secretary of the Interior would do anything of that kind? Does the gentleman believe that any Secretary, now or any time in the history of this country, would violate the rights of the Indians in that way? I assume the contrary.

Mr. MANN. I apprehend, even where we have conferred discretionary power upon the Secretary of the Interior, that he would grant a permit in identically that case.

It ought to be protected by proper legislation; and, hoping it will have that effect, I am going to object to this. It is sauce for the goose; let it be sauce for the gander.

Mr. CARTER. Will not the gentleman withhold his objection for a moment?

Mr. MANN. Certainly.

Mr. CARTER. I think there is a good deal of virtue in what the gentleman from Illinois has said. I do not think we should legislate in this haphazard manner. I believe the matter ought to have gone to the committee and been thoroughly thrashed out by the committee, so that we would have understood exactly what we were doing. But the gentleman from Illinois has explained the situation quite plainly. The bill came up on the spur of the moment, having amendments suggested by the Secretary of the Interior. The gentleman from Texas [Mr. STEPHENS] has offered them, and they have been adopted. Now, I want to say for the benefit of the gentleman from Illinois——

Mr. STAFFORD. I hardly think the gentleman is within bounds when he says that the Secretary of the Interior suggested this amendment that was offered by the gentleman from Texas. It was a motion of the gentleman from Texas himself that was opposed by gentlemen on this side, and strenuously opposed. The gentleman from Texas did say that the Secretary of the Interior did not have any objection to including Indian reservations within the scope of this bill.

Mr. CARTER. As I understand it, the amendment was prepared by the office of the Secretary of the Interior.

Mr. STAFFORD. Not as I understand it.

Mr. CARTER. I saw a letter here from the commissioner to the gentleman from Texas [Mr. STEPHENS] presenting the amendments. This is in the hands of the gentleman from Texas now, and I am sure he would not mislead the House about it.

Mr. STAFFORD. That is very likely prepared by some clerk in the Indian Office.

Mr. CARTER. I do not care about that. I think it has the signature of the Commissioner of Indian Affairs to it.

Mr. STAFFORD. Very likely a rubber-stamp signature.

Mr. CARTER. I think if the gentleman will look at the letter he will not perhaps be so reckless in his statements. Now, I want to say this to the gentleman from Illinois: I do not want him to object to this amendment until he has heard my explanation.

Mr. MANN. I am going to do so. I will say to the gentleman that I will not object because of lack of merit in the amendment at all. I understand what the situation is. I hope we may have a separate vote on these amendments in the House relating to the Indian reservations and disagree to them, and if the department wants them to go in let them fix them up properly and present them to the Senate committee, and if they adopt them let them come to the House for action later.

Mr. CARTER. This seeks to do exactly what the amendments of the gentleman from Wisconsin seek to do; that is, to perfect the pending bill in accordance with the existing law. The Five Civilized Tribes have never been subjected to the general Indian law, but have always been legislated for separately. At the present time there is in the course of sale and disposition the unallotted lands among the Five Civilized Tribes—the timberlands, the coal lands, and the segregated mineral lands. If this bill should become a law before those lands are disposed of and this provision should apply to them, it might prevent the sale of those lands, and I am sure the gentleman from Illinois does not desire to do that.

I do not believe that the law would apply to the Five Civilized Tribes, anyway, but I simply offer this amendment out of abundant precaution, in order that the present law with reference to those matters, which has been so carefully worked out by the committees and by the House, with the ever-vigilant eye of the gentleman from Illinois always on them, might not be changed; and I hope the gentleman from Illinois will not

object to this amendment. It is just in line with what the gentleman from Wisconsin was trying to do. There was no objection made to the amendments of the gentleman from Wisconsin.

Mr. MANN. I am sorry I did not object to those.

Mr. LENROOT. Will the gentleman yield?

Mr. CARTER. I will.

Mr. LENROOT. May I suggest to the gentleman that he now submit a request for unanimous consent to reconsider all amendments relating to Indian reservations en bloc and have a vote upon them?

Mr. FERRIS. I really hope the gentleman will not do that. I do not want to get consent myself to go back and rehash all of this matter.

Mr. MANN. The amendment will be offered in the House.

Mr. CARTER. Will not the gentleman permit me to put my amendment on the same plane as the amendment of the gentleman from Wisconsin?

Mr. MANN. No; not at this time.

Mr. CARTER. Let me explain the situation here a little further. The gentleman from Wisconsin offered his two amendments, and I reserved the right to object. I think the gentleman from Illinois said they could not all come at once. It was a unanimous-consent proposition, and almost anything can be done by unanimous consent. If I had insisted at that time, the amendments of the gentleman from Wisconsin [Mr. LENROOT] would have been denied consideration. We were kind enough on this side not to do that, and I do not think this amendment should be discriminated against in that way.

Mr. LENROOT. The amendments I offered protected the gentleman's reservations as much as other reservations. They are not in the same line.

Mr. CARTER. I understand that; but they both sought to perfect the bill.

Mr. LENROOT. They are not in the same line at all.

Mr. MANN. We are not trying to take any advantage of the gentleman from Oklahoma. For the present I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] objects.

Mr. FERRIS. Mr. Chairman, I move that the committee do now rise and report the bill to the House with amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. MONDELL. Mr. Chairman, I wish to offer an amendment.

Mr. FERRIS. We have passed all the sections, and even have returned to certain ones by unanimous consent.

The CHAIRMAN. An amendment to the last section was offered.

Mr. FERRIS. I thought we were through with that.

The CHAIRMAN. The Chair will state to the gentleman from Wyoming [Mr. MONDELL] that the Clerk informs the Chair that his amendment does not state to what portion of the bill it is intended to be offered. Unless the gentleman indicates it, the Chair will hold that his amendment is not in order.

Mr. MONDELL. The amendment is to come in after line 5, page 24.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wyoming.

The Clerk read as follows:

At the end of the bill, page 24, after line 5, insert: "*Provided*, That before the sums received from leases under this bill are paid into the reclamation fund 25 per cent of the sum shall be paid by the Secretary of the Treasury to the proper authorities of the State in which the lessees are situated for the maintenance of schools and the building of roads."

Mr. FERRIS. Mr. Chairman, I make the point of order on that amendment that it is not in the proper place in the bill.

The CHAIRMAN. The amendment is not germane to the section to which it is offered. It would be germane to section 30.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to return to section 30 and that I be permitted to offer my amendment to that section.

Mr. FERRIS. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Oklahoma objects.

Mr. FERRIS. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House.

The CHAIRMAN. The gentleman from Oklahoma [Mr. FERRIS] moves that the committee do now rise and report the bill to the House with amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FITZGERALD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 16136) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium, had directed him to report the bill to the House with certain amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. MANN. Mr. Speaker, I ask for a separate vote on the four amendments relating to Indian lands and the disposition of the proceeds—to sections 1, 2, 14, and 30, I believe. Those amendments are well known. The Clerk knows what they are. I am perfectly willing to have one vote on the four.

The SPEAKER. The gentleman from Illinois demands a separate vote on the four amendments——

Mr. MANN. The four Indian amendments——

The SPEAKER. On the four Indian amendments. Is a separate vote demanded on any other amendment? If not, the Chair will put the rest of them in gross. The question is on agreeing to the other amendments.

The amendments, exclusive of the so-called Indian amendments, were agreed to.

The SPEAKER. The Clerk will report the four Indian amendments.

Mr. MANN. Mr. Speaker, that is not necessary. I ask that the reading of the amendments be dispensed with.

The SPEAKER. Without objection, the reading of the amendments will be dispensed with.

There was no objection.

The SPEAKER. The question is on agreeing to the four Indian amendments.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. FERRIS. Mr. Speaker, I demand a division.

The SPEAKER. The gentleman from Oklahoma [Mr. FERRIS] demands a division.

The House divided; and there were—ayes 43, noes 51.

So the Indian amendments were rejected.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time.

Mr. MANN. Mr. Speaker, has the vote been determined?

Mr. GARRETT of Tennessee. Will the gentleman permit me a moment?

Mr. MANN. Certainly.

Mr. GARRETT of Tennessee. The gentleman's demand for a separate vote was on "the four Indian amendments." Of course, when it comes to the enrollment of the bill those amendments must be more accurately defined.

Mr. MANN. Yes; I was going to call for the reading of the engrossed bill. The previous question, as I understand, is ordered on the bill?

Mr. GARRETT of Tennessee. Yes; under the rule.

Mr. MANN. After the bill is engrossed, so far as I am concerned, I will withdraw the demand for the reading of the engrossed bill, so that if there is a mistake made it will be within the power of the gentlemen in charge of the bill to correct it.

Mr. GARRETT of Tennessee. The particular amendments which have just been defeated by the House were the four Indian amendments.

Mr. MANN. Yes.

Mr. GARRETT of Tennessee. They are not designated by number in any way.

Mr. MANN. The Clerk knows what they are. The Clerk will make a note of them.

Mr. GARRETT of Tennessee. There ought to be some sort of an arrangement by which accuracy shall be insured.

Mr. MANN. I stated that they were the Indian amendments to sections 1, 2, 14, and 30. The Clerk knows what those amendments are.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. MANN. I did not object to the vote on that. That was taken.

The SPEAKER. What was it the gentleman rose to say?

Mr. MANN. The Chair put the question on the engrossment and third reading.

The SPEAKER. Yes; that is true.

Mr. MANN. So I will ask for the reading of the engrossed bill. It will not really delay it at all.

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER. If the engrossed bill is here to-morrow morning, will the matter then be considered under the previous question?

The SPEAKER. No; because to-morrow will be Calendar Wednesday. The gentleman from Illinois demands the reading of the engrossed bill. The engrossed bill is not here, so the matter goes over until Thursday morning.

Mr. CHURCH. The House can wait for the engrossed bill.

The SPEAKER. Yes; the House can do that, if it wants to stay here until the bill is engrossed.

Mr. CHURCH. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. Will the gentleman wait until we get this other matter settled?

Mr. MANN. It goes over, Mr. Speaker?

The SPEAKER. It goes over if the House does not want to stay here until we get the engrossed bill, and the Chair takes it for granted that the House does not want to stay here until it gets the engrossed bill, and that this will go over until Thursday morning. The gentleman from California [Mr. CHURCH] asks unanimous consent to address the House for five minutes.

Mr. MANN. I will state to gentlemen that as far as we are concerned I do not think there will be any opposition to taking the vote to-morrow morning, if the bill is engrossed at that time.

Mr. FERRIS. Then I will ask unanimous consent to take the vote on this bill to-morrow.

Mr. MANN. The gentleman can make that request to-morrow.

Mr. FERRIS. I will withdraw the request now.

The SPEAKER. Of course it can be done by unanimous consent or by Calendar Wednesday being postponed until after the vote.

Mr. MANN. There will not be any delay about it.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. CHURCH] to address the House for five minutes?

Mr. MANN. On what subject, Mr. Speaker? It is 5 o'clock.

Mr. CHURCH. On the taxing of California wines.

Mr. MANN. Yes; I object.

Mr. CHURCH. Will the gentleman withhold that for one minute?

Mr. MANN. I will let the gentleman in on it Thursday. I will not withhold the objection to-night.

The SPEAKER. The gentleman from Illinois objects, and that is the end of it.

Mr. CHURCH. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. On what subject?

Mr. CHURCH. On the tax on California wines. Owing to the fact that one-fourth——

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD on the subject of the internal-revenue tax on California wines.

Mr. MANN. Reserving the right to object, I assume that under some procedure the gentleman will have that authority later, and for the present I shall object.

The SPEAKER. The gentleman from Illinois objects.

ADJOURNMENT.

Mr. FERRIS. I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 1 minute p. m.) the House adjourned until Wednesday, September 23, 1914, at 12 o'clock noon.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 18778) granting a pension to Robert Leigh Morris and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HENRY: A bill (H. R. 18916) for the temporary relief of cotton growers in the United States; to the Committee on Banking and Currency.

By Mr. BUCHANAN of Illinois: Resolution (H. Res. 624) directing the Secretary of Labor to transmit to the House of Representatives information concerning public aid for home owning and housing of working people in foreign countries; to the Committee on Labor.

By Mr. UNDERWOOD: Resolution (H. Res. 625) for the consideration of H. R. 18891; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOOHER: A bill (H. R. 18917) granting an increase of pension to Thomas E. Stallard; to the Committee on Invalid Pensions.

By Mr. DONOVAN: A bill (H. R. 18918) granting a pension to Agnes M. Kesler; to the Committee on Invalid Pensions.

By Mr. GOOD: A bill (H. R. 18919) for the relief of Sarah A. McDuff; to the Committee on Claims.

By Mr. JOHNSON of Kentucky: A bill (H. R. 18920) for the relief of the heirs of John H. Waters, deceased; to the Committee on War Claims.

By Mr. KENNEDY of Connecticut: A bill (H. R. 18921) granting an increase of pension to Lucy S. Trescott; to the Committee on Invalid Pensions.

By Mr. J. R. KNOWLAND: A bill (H. R. 18922) granting an increase of pension to Jeanette E. Sweet; to the Committee on Invalid Pensions.

By Mr. McGILLICUDDY: A bill (H. R. 18923) granting an increase of pension to Wealthy F. Paul; to the Committee on Invalid Pensions.

By Mr. REED: A bill (H. R. 18924) granting an increase of pension to Ellen E. Howes; to the Committee on Invalid Pensions.

By Mr. ROBERTS of Massachusetts: A bill (H. R. 18925) granting an increase of pension to John F. M. Burk; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 18926) granting an increase of pension to Andrew J. Peters; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Socialists of Uniontown, Pa., protesting against the high cost of living; to the Committee on the Judiciary.

By Mr. ADAMSON: Petition of sundry citizens of Carroll County, Ga., for relief for the cotton growers; to the Committee on Ways and Means.

By Mr. CLANCY: Petition of Retail Liquor Dealers of the city of Cortland, N. Y., protesting against an increased tax on beer and whisky, etc.; to the Committee on Ways and Means.

By Mr. GORDON: Petition of 240 citizens of Cleveland, Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. LONERGAN: Petition of the United Master Butchers of America, Chicago, Ill., in favor of subsidizing land for farming and for the purpose of raising live stock; to the Committee on the Public Lands.

By Mr. MAGUIRE of Nebraska: Petitions of business men of Alvo, Palmyra, and Bennett, all in the State of Nebraska, favoring passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. MAPES: Petition of Glass Workers' Union, Local No. 10, of Grand Rapids, Mich., protesting against the high cost of living; to the Committee on the Judiciary.

By Mr. MERRITT: Petition of Rev. E. E. Barrett for 90 citizens of Hermon, N. Y., favoring national prohibition; to the Committee on Rules.

Also, petition of Rev. M. A. Bartlett for 102 citizens of Hermon and West Hermon, N. Y., urging national prohibition; to the Committee on Rules.

By Mr. J. I. NOLAN: Protest of the Masters, Mates, and Pilots of the Pacific, and the Marine Engineers' Beneficial Association, of San Francisco, Cal., against the recent legislation suspending the United States navigation laws; to the Committee on the Merchant Marine and Fisheries.

By Mr. O'SHAUNESSY: Petition of William M. Harris, jr., protesting against tax on freight rates; to the Committee on Ways and Means.

By Mr. REILLY of Connecticut: Petition of citizens of New Haven, Conn., favoring bill forbidding exportation of food products to any European country during present war; to the Committee on Interstate and Foreign Commerce.

By Mr. SELDOMRIDGE: Petition of 230 citizens of Colorado Springs, Colo., favoring national prohibition; to the Committee on Rules.

Also, petition of Morgan County (Colo.) Socialist Party, demanding observance of strict neutrality by United States during present war; to the Committee on Foreign Affairs.

By Mr. UNDERHILL: Petition of Local Elmira Heights (N. Y.) Socialist Party, favoring maintaining strict neutrality by United States Government in European war; to the Committee on Foreign Affairs.

Also, petition of the National Association of Vicksburg Veterans, relative to appropriation by Congress for reunion of veterans at Vicksburg, Miss.; to the Committee on Appropriations.

By Mr. YOUNG of North Dakota: Petition of citizens of Chaffee, N. Dak., protesting against war tax on gasoline; to the Committee on Ways and Means.

SENATE.

WEDNESDAY, *September 23, 1914.*

The Senate met at 12 o'clock meridian.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we lift our hearts to Thee, we trust, in a spirit of worship and of obedience and of true reverence for Thy holy name. If we have been enabled to think in the terms of truth, it is because of the revelation Thou hast made to us. If we abide in the spirit of brotherhood, it is by the inspiration of Thy own spirit. If we are able to discern the right from the wrong, it is because Thou hast made known unto us Thine own eternal and changeless will. From Thee cometh every good and perfect gift. Thou art the author of all truth and of all life. We worship Thee. We pray that Thy holy presence may be with us and that Thou wilt guide us in the performance of every duty of life. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Friday, September 18, 1914, when, on request of Mr. LEA of Tennessee and by unanimous consent, the further reading was dispensed with and the Journal was approved.

THE POTTERY INDUSTRY.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Commerce, transmitting a copy of a summary of results in the inquiry into the cost of production in the pottery industry, etc., together with a copy of a letter sent by him to the President of the United States explanatory thereof, which, with the accompanying papers, was referred to the Committee on Finance.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 16136) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of the Commercial Exchange of Philadelphia, Pa., remonstrating against legislation providing for Government ownership and operation of merchant vessels in the foreign trade of the United States, which was referred to the Committee on Commerce.

He also presented petitions of sundry citizens of Erie and Valencia, in the State of Pennsylvania; of New Concord, Ohio; of Boyden, Iowa; of Decatur, Ill.; of Fond du Lac, Wis.; of Walton, N. Y.; and of Albuquerque, N. Mex., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. JONES. I present a telegram, in the nature of a memorial, from 80 theater and moving-picture owners in session September 22 in Seattle, Wash., vigorously remonstrating against the passage of the bill licensing theaters $100 yearly under the new emergency tax bill. I move that the telegram be referred to the Committee on Finance.

The motion was agreed to.

Mr. JONES presented a petition of sundry citizens of the District of Columbia, praying for the passage of the omnibus claims bill, which was ordered to lie on the table.

Mr. PERKINS presented memorials of sundry wine growers of San Jose, Napa, Healdsburg, and Sacramento, all in the State of California, remonstrating against the proposed tax on wines, which were referred to the Committee on Finance.

He also presented a petition of the Chamber of Mines and Oil of Los Angeles, Cal., praying for the enactment of legislation to suspend the operation of the mining laws requiring annual labor for 1914, which was referred to the Committee on Mines and Mining.

He also presented a telegram in the nature of a petition from V. S. McClatchy, president of the California Reclamation Board, of Sacramento, Cal., praying for the retention of the Sacramento River project in the river and harbor bill, which was ordered to lie on the table.

He also presented a memorial of Marine Engineers' Beneficial Association, No. 35, of San Francisco, Cal., remonstrating against the enactment of legislation to suspend the navigation laws, which was referred to the Committee on Commerce.

He also presented petitions of Tent No. 26, Knights of Maccabees, of San Diego; of Street Car Men, of Oakland; of Local Lodge No. 18, Fraternal Brotherhood, of San Diego; and of the West Side Literary Society, of Los Angeles, all in the State of California, praying for the enactment of legislation to provide pensions for civil-service employees, which were referred to the Committee on Civil Service and Retrenchment.

Mr. NELSON presented memorials of sundry citizens of Pine, Carlton, Washington, and Hennepin Counties, all in the State of Minnesota, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Minneapolis, Minn., praying for the enactment of legislation to provide for the retirement of civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a memorial of sundry citizens of St. Paul and Minneapolis, in the State of Minnesota, remonstrating against the proposed increase in revenue tax on cigars, which was referred to the Committee on Finance.

He also presented a memorial of the International Bowling Association, of St. Paul, Minn., remonstrating against an internal-revenue tax on bowling alleys, which was referred to the Committee on Finance.

He also presented a petition of the officers of the Philippine Scouts, praying for the enactment of legislation providing for their retirement the same as officers of the Regular Army, which was referred to the Committee on Military Affairs.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON:

A bill (S. 6517) granting an increase of pension to Daniel W. Smith (with accompanying papers); and

A bill (S. 6518) granting an increase of pension to Charlotte A. Crowell (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of South Carolina:

A bill (S. 6519) to amend an act entitled "An act to amend section 27 of an act approved December 23, 1913, and known as the Federal reserve act"; to the Committee on Banking and Currency.

By Mr. SHEPPARD:

A bill (S. 6520) temporarily reducing salaries of persons in Federal service.

The VICE PRESIDENT. To what committee will the Senator from Texas have the bill sent?

Mr. SHEPPARD. I have made the notation on the bill that it go to the Committee on the Judiciary.

The VICE PRESIDENT. Why ought it not to go to the Committee on Civil Service and Retrenchment?

Mr. SHEPPARD. That reference is entirely satisfactory to me.

The VICE PRESIDENT. The bill will be referred to the Committee on Civil Service and Retrenchment.

By Mr. McLEAN:

A bill (S. 6521) granting an increase of pension to Ellen Garlick (with accompanying papers);

A bill (S. 6522) granting an increase of pension to Carrie M. Case (with accompanying papers); and

A bill (S. 6523) granting an increase of pension to Sarah E. H. Bartlett (with accompanying papers); to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 6524) granting an increase of pension to Amanda Baxter (with accompanying papers); to the Committee on Pensions.

By Mr. SHIELDS:

A bill (S. 6525) for the relief of Randall H. Trotter; to the Committee on Military Affairs.

A bill (S. 6526) for the relief of the heirs of James Newman (with accompanying papers); to the Committee on Claims.

UNITED STATES RAILWAY CO.

Mr. JONES. I have the draft of a bill which seems to have been prepared with considerable care. It was sent to me by a gentleman whom I know. It relates to a very important matter. I desire to introduce the bill by request, in order that it may